This document has been updated, as of 4/8/2025, to be in compliance with Executive Order 14168, "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," signed 1/20/2025; Executive Order 14151, "Ending Radical and Wasteful Government DEI Programs and Preferencing," signed 1/20/2025; the ICE Office of the Director Memo, titled "Terminology for Communications Materials and Internal and External Communications," dated 1/20/2025, and the ICE Office of the Director Memo, titled "Updated Terminology for Communications Materials and Internal and External Communications," dated 3/31/2025. (Note: This document is also being reviewed for alignment with other Presidential issuances.)

Homeland Security Investigations

Human Trafficking Investigations Handbook

HSI HB 22-04 / May 18, 2022

U.S. Immigration and Customs Enforcement

Foreword

The Human Trafficking Investigations Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents when conducting investigations relating to human trafficking. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight over the National Human Trafficking Investigations Program resides with the Center for Countering Human Trafficking's (CCHT) Operations Unit.

The Human Trafficking Investigations Handbook supersedes Chapters 8 and 9; Sections 13.7-9, 15.1-15.7, and 15.9; Appendices D and E; and any other part of the HSI Human Smuggling and Trafficking Investigations Handbook (HB) 15-04, dated August 21, 2015, that discusses or mentions human trafficking.

The Human Trafficking Investigations Handbook is an internal policy of HSI. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter, nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE. This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with the Department of Homeland Security policy relating to FOUO information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This information shall not be distributed beyond the original addressees without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Information Disclosure Unit, as well as the ICE Office of the Principal Legal Advisor and/or the appropriate U.S. Attorney's Office, are to be consulted so that measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure in civil discovery. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Information Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit which will coordinate all needed revisions with the CCHT Operations Unit.

05/18/2022

Steve K. Francis
Acting Executive Associate Director
Homeland Security Investigations

Date

HUMAN TRAFFICKING INVESTIGATIONS HANDBOOK

Table of Contents

Chapter 1. PURPOSE AND SCOPE 1

Chapter 2. INTRODUCTION 1

Chapter 3. DEFINITIONS 2

- 3.1 Abuse or Threatened Abuse of Law or Legal Process 2
- 3.2 Coercion 2
- 3.3 Commercial Sex Act 2
- 3.4 Continued Presence 2
- 3.5 Debt Bondage 2
- 3.6 Forced Labor 3
- 3.7 Forensic Interview 3
- 3.8 HHS Certification or Certification Letter 3
- 3.9 Human Smuggling 3
- 3.10 Human Trafficking 3
- 3.11 Investigative Interview 4
- 3.12 Minor 4
- 3.13 Multidisciplinary Team 4
- 3.14 Nongovernmental Organization 4
- 3.15 Peonage 5
- 3.16 Serious Harm 5
- 3.17 Survivor 5
- 3.18 T Nonimmigrant Status (T Visa) 5
- 3.19 Trauma-Informed Approach 5
- 3.20 U Nonimmigrant Status (U Visa) 6
- 3.21 Unaccompanied Alien Child 6
- 3.22 Victim-Centered Investigation and Prosecution 6
- 3.23 Victim Service Providers 6

Chapter 4. AUTHORITIES/REFERENCES 7

- 4.1 Customs Officer and Immigration Officer Authorities 7
- 4.2 Human Trafficking Related Statutes. 7
- 4.3 References. 10

Chapter 5. RESPONSIBILITIES 11

- 5.1 Executive Associate Director, Homeland Security Investigations 11
- 5.2 Assistant Director, Countering Transnational Organized Crime 11
- 5.3 Director, Center for Countering Human Trafficking 11
- 5.4 Unit Chief, CCHT Operations Unit 11
- 5.5 Unit Chief, Victim Assistance Program/Management Oversight Unit 12
- 5.6 Unit Chief, Parole and Law Enforcement Programs Unit 12
- 5.7 Special Agents in Charge and Attachés 12
- 5.8 Group Supervisors 12
- 5.9 Special Agents 12
- 5.10 Victim Assistance Specialists 13
- 5.11 Forensic Interview Specialists 14
- 5.12 Criminal Analysts 14
- 5.13 Office of the Principal Legal Advisor 15

Chapter 6. HUMAN TRAFFICKING FUNDAMENTALS 15

- 6.1 Human Trafficking, Generally 14
- 6.2 Human Smuggling versus Human Trafficking 15
- 6.3 Human Trafficking is NOT… 16
- 6.4 Intersection of Human Trafficking with Other Illicit Activity 17
- 6.5 Industries Where Investigations Uncovered Human Trafficking 17

Chapter 7. HSI'S HUMAN TRAFFICKING MISSION, APPROACH, AND OUTREACH 17

- 7.1 Mission 17
- 7.2 Approach 18
- 7.3 Strategic Targeted Outreach Program 18
- 7.4 CCHT Operations Unit 19

Chapter 8. MAKING A HUMAN TRAFFICKING CASE – POTENTIAL CHARGES AND EVIDENCE 20

- 8.1 Primary Human Trafficking Offenses 20
- 8.2 18 U.S.C. § 1589, Forced Labor 21
- 8.2.1 18 U.S.C. § 1591, Sex Trafficking of Children OR by Force, Fraud, or Coercion 28
- 8.2.2 Extraterritorial Jurisdiction 34
- 8.3 Document Related Offenses 34
- 8.3.1 18 U.S.C. § 1592, Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor 34

- 8.3.2 18 U.S.C. § 1597, Unlawful Conduct Regarding Immigration Documents....34
- 8.4 Labor, Fraud, and Customs Offenses....34
- 8.4.1 Title 18, Chapter 63, Fraud Offenses....35
- 8.4.2 18 U.S.C. § 1351, Fraud in Foreign Labor Contracting....35
- 8.4.3 28 U.S.C. §§ 207, 215, 216, Fair Labor Standards Act....35
- 8.4.4 Title 18, Chapter 27, Customs Offenses....36
- 8.5 Prostitution Related Crimes Charged with or in Lieu of § 1591 (Sex Trafficking)....36
- 8.5.1 Adults....36
- 8.5.2 Minors....36
- 8.5.3 Adults and Minors Under the Travel Act....37
- 8.6 Transnational Child Sex Offenders....37
- 8.7 Child Sexual Abuse Material....38
- 8.8 Immigration Offenses and Visa Fraud....38
- 8.9 Financial Offenses....39
- 8.9.1 Money Laundering....39
- 8.9.2 Forfeiture....41
- 8.9.3 Steps to Take for Financial Investigation of Human Traffickers....41
- 8.10 Drug Trafficking Offenses....42
- 8.11 Obstruction....43
- 8.12 Common Defenses to Refute with Evidence....43
- 8.13 If Criminal Justice System Options Are Exhausted – Alternative Means of Justice....44

Chapter 9. HUMAN TRAFFICKING INVESTIGATIVE GUIDANCE....45

- 9.1 (b) (7)(E) 45
- 9.2 45
- 9.3 45
- 9.4 46
- 9.5 Connect with NGOs Providing Trafficking Victim Services....47
- 9.6 National Sources of Leads....48
- 9.7 Coordination with the Chief Intelligence Officer....49
- 9.8 Partnerships with the Adult Entertainment Industry Are Prohibited....49
- 9.9 Collect Evidence Without Needing a Testifying Victim....50
- 9.10 Responding to Trafficking Victims' Leads....50

Chapter 10. SUPPORTING THE VICTIM WITNESS....52

- 10.1 Consider the Victim's Experience – Be Trauma-Informed....52
- 10.2 Engage HSI Victim Assistance Personnel Immediately....53
- 10.3 Employ Promising Practices for Trauma-Informed Victim Interviews....54

- 10.4 Use Professional Interpreters....56
- 10.5 (b) (7)(E) 57
- 10.6 Identification Alone Is a Success 57
- 10.7 Make Reasonable Efforts to Protect Victims' Safety....57
- 10.8 Avoid Issuing Notices to Appear to Victims....57
- 10.9 Immigration Benefits and Options 58
- 10.9.1 Continued Presence 58
- 10.9.2 Significant Public Benefit Parole for Family Members 59
- 10.9.3 T Visa 60
- 10.9.4 U Visa....61
- 10.9.5 Coordinate with ERO if Potential Victims Are in Custody 61
- 10.9.6 Coordinate with OPLA if Potential Victims Are in Removal Proceedings 61

Chapter 11. LAW ENFORCEMENT PARTNERSHIPS 62

- 11.1 Human Trafficking Task Forces....62
- 11.2 Anti-Trafficking Coordination Teams....62
- 11.3 U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative 62

Chapter 12. REPORTING AND CASE MANAGEMENT 63

- 12.1 ICM Case Category and Sub-Categories....63
- 12.2 ICM Program Codes....63
- 12.3 Multiple Program Codes 65
- 12.4 Significant Case Report (b) (7)(E) 65
- 12.5 Human Trafficking Investigations and Victim Statistics 65
- 12.6 Victim Identification Report of Investigation 65
- 12.7 Obtain an A-File Without a Notice to Appear 66
- 12.8 Amend Charges for Inadvertent Victim Arrests....66

Chapter 13. PUBLIC AFFAIRS AND TRAINING GUIDANCE....66

- 13.1 Messages 66
- 13.2 Images 68
- 13.3 Statistics....69
- 13.4 Preferred Language 70
- 13.5 Delivering Training 70
- 13.6 Training for Special Agents 71

Chapter 14. FUNDING MECHANISMS 71

- 14.1 SAC Budget....71
- 14.2 Certified Undercover Operations 71

- 14.3 Domestic Operations 72
- 14.4 CCHT Operations Unit....72
- 14.5 International Organized Crime Intelligence and Operations Center 72
- 14.6 Forced Labor Program....73
- 14.7 Organized Crime Drug Enforcement Task Force....73

Chapter 15. INVESTIGATIVE RESOURCES 73

- 15.1 International Organized Crime Intelligence and Operations Center 73
- 15.2 Special Operation Division 73
- 15.3 Counterterrorism and Criminal Exploitation Unit....73
- 15.4 National Targeting Center – Investigations....74
- 15.5 OPLA Human Rights Violator Law Division 74
- 15.6 OPLA Homeland Security Investigations Law Division 74
- 15.7 Polygraph Examinations....74

Chapter 16. EMPLOYEE ASSISTANCE 75

APPENDICES

Appendix A Interview Questions for Human Trafficking Investigations.... A-i
Appendix B Superseded Documents .... B-i
Appendix C Acronyms .... C-i

HUMAN TRAFFICKING INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Human Trafficking Investigations Handbook establishes uniform policies and procedures to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting human trafficking investigations within the scope of their authority. The investigation of human trafficking, as well as the identification of, and assistance to, its victims, is an HSI and U.S. Department of Homeland Security (DHS) priority.

Chapter 2. INTRODUCTION

HSI is committed to protecting the homeland and upholding the law by combatting the heinous worldwide problem of human trafficking. Human trafficking is a crime in which traffickers lure individuals with promises of employment and/or a better life only to compel them into labor and/or commercial sex. Unlike any other crime HSI investigates, the identification of human trafficking and the successful prosecution of those cases is highly dependent on the victims. Since the enactment of the Trafficking Victims Protection Act (TVPA) in 2000, the U.S. Government has coordinated and implemented a comprehensive approach to investigate and prosecute traffickers, protect the victims, and prevent the crime. As a result, human trafficking became a priority for the former Immigration and Naturalization Service and has remained a priority for DHS and HSI since their creation.

HSI is committed to disrupting and dismantling human trafficking organizations. This crime impacts border security, public safety, the U.S. economy, and public health, with human traffickers inflicting lasting and devastating physical, psychological, and financial harm on their victims. HSI conducts approximately a thousand human trafficking investigations annually; identifies and assists hundreds of victims; and conducts extensive outreach and trainings to local law enforcement, nongovernmental organizations (NGOs), and the general public to educate members of the public about human trafficking and to generate leads. HSI informs victims about the resources and immigration relief available to them, such as Continued Presence (CP) and T and U visas for foreign-born victims. These heinous crimes have no place in our society, and HSI uses the full extent of its criminal, immigration, and trade-based authorities, in addition to collaborations with federal, state, local, and tribal law enforcement partners, to prevent trafficking, protect victims, and prosecute traffickers.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Abuse or Threatened Abuse of Law or Legal Process

Under the forced labor statute, the term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action. Title 18, United States Code (U.S.C.), Section 1589(c)(1).

3.2 Coercion

Threats of "serious harm" to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process. 22 U.S.C. § 7102(3).

3.3 Commercial Sex Act

Any sex act on account of which anything of value is given to or received by any person. 22 U.S.C. § 7102(4).

3.4 Continued Presence

CP is an immigration designation provided to individuals identified by law enforcement as victims of a severe form of human trafficking who may be potential witnesses to such trafficking, as well as victims who have filed a civil action. CP allows eligible individuals to remain in the United States temporarily to facilitate an investigation or prosecution of the human trafficking-related crimes committed against them or for the duration of their civil case. CP may be granted initially for a period of two years and renewed in increments of up to two years. CP may expire or be terminated at any time. 22 U.S.C. § 7105(c)(3). (See HSI Directive 21-03, Continued Presence, dated February 24, 2021, or as updated.)

3.5 Debt Bondage

The status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or of those of a person under the debtor's control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. Individuals will often pledge themselves or someone under their control into debt bondage in exchange for passage into the United States. 22 U.S.C. § 7102(5).

3.6 Forced Labor

Labor or services of a person that is provided or obtained by threats of serious harm to, or physical restraint against, that person or another person, by means of any scheme, plan, or pattern intended to cause the person to believe that if such labor or services were not performed, this person or another person would suffer serious harm or physical restraint, or by means of the abuse or threatened abuse of law or the legal process. 18 U.S.C. § 1589.

3.7 Forensic Interview

A forensic interview is a fact-finding interview that is designed to elicit accurate and complete information in an investigation. It is conducted by a forensic interview specialist (FIS) trained in conducting interviews of minor victims and witnesses as well as adult victims and witnesses who suffer from cognitive or developmental disability or from severe trauma. It is most commonly conducted (b) (7)(E)
(b) (7)(E)

3.8 HHS Certification or Certification Letter

A Certification Letter, issued by the U.S. Department of Health and Human Services (HHS), confirms adult foreign national trafficking victims' eligibility for federal public benefits and services to the same extent as refugees. When HSI approves CP or when U.S. Citizenship and Immigration Services (USCIS) grants a T visa, HHS is simultaneously notified in order to generate the HHS Certification Letter. HHS issues Eligibility Letters for minors which grant access to the same benefits and services, including placement in the Unaccompanied Refugee Minors program, which provides specialized, culturally appropriate foster care or other licensed care settings according to the child's individual needs. Minors are not required to cooperate with law enforcement. Trafficking victims who are U.S. citizens or lawful permanent residents (LPRs) do not need HHS Certifications or Eligibility Letters to be eligible for similar benefits and services. (*See* 22 U.S.C. § 7105(b)(1)(E).)

3.9 Human Smuggling

The facilitation and transportation of people into the United States by deliberately evading U.S. immigration laws. This offense includes bringing aliens into the United States and unlawfully transporting and/or harboring aliens already present. (Note: The statute governing this range of offenses is 8 U.S.C. § 1324.)

3.10 Human Trafficking

There are two kinds of human trafficking: sex trafficking and labor trafficking. Human trafficking, referred to in the TVPA of 2000 as "severe forms of trafficking in persons," is defined as:

A. Sex trafficking – the recruitment, harboring, transportation, provision, or obtaining of a person for commercial sex in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

B. Labor trafficking – the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. 22 U.S.C. § 7102(9).

(b) (7)(E)

3.11 Investigative Interview

An interview conducted by an SA with the intent of soliciting information to further an investigation, knowing that this information has a high probability of being used as evidence in a judicial proceeding.

3.12 Minor

Under federal criminal law, a minor is any person under the age of 18. Anyone under 18 and identified in commercial sex is a sex trafficking victim. 18 U.S.C. § 1591.

Not later than 24 hours after an SA discovers that a minor or an unaccompanied alien child may be a "victim of a severe form of trafficking," the SA will notify HHS and the Center for Countering Human Trafficking (CCHT) Operations Unit as required by section 212 of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. (*See* Section 9.10.)

3.13 Multidisciplinary Team

Team composed of a group of professionals from different disciplines (law enforcement, child welfare/protection, and prosecutors, among others), with varied but complementary experience, qualifications, expertise, and skills. The U.S. Government has long supported a multidisciplinary approach to combatting human trafficking. Some human trafficking task forces are representative of this approach as well.

3.14 Nongovernmental Organization

Typically, an NGO is a non-profit organization on a local, national, or international scale that operates independently of government. Human trafficking task forces and HSI human trafficking groups work closely with local NGOs that provide victim services as well as with community organizations that can provide potential trafficking leads. Examples include legal aid organizations, refugee service providers, runaway and homeless youth shelters, migrant

farmworker and domestic worker organizations, and faith-based institutions that assist victims of trafficking.

3.15 Peonage

Peonage is the use of laborers bound to servitude due to debt. 18 U.S.C. §§ 1581-1596; *see also* Section 3.10 (B) above.

3.16 Serious Harm

Under the forced labor statute, the term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm. 18 U.S.C. § 1589(c)(2).

3.17 Survivor

Term used to recognize the strength it takes to continue on a journey toward healing in the aftermath of a traumatic experience. (Note: This definition is derived from the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, 2013−2017.*) While "victim" carries a specific meaning within law enforcement, "survivor" is the preferred term of service providers.

3.18 T Nonimmigrant Status (T Visa)

As part of a victim-centered approach, the Group Supervisor of the investigating SA shall consider completing and signing the T visa declarations (USCIS Form I-914 Supplement B) for victims who have assisted an HSI human trafficking investigation. The T visa allows eligible victims to temporarily remain and work in the United States, generally for four years. If certain conditions are met, an individual with T nonimmigrant status may apply for adjustment to LPR status after three years in the United States or upon completion of the investigation or prosecution, whichever occurs earlier. The annual statutory cap is 5,000 T visas. Fewer than 1,000 T visas have been approved annually since the inception of the T visa. 8 U.S.C. § 1101(a)(15)(T). (*See* HSI Handbook (HB) 18-01, T Nonimmigrant (T Visa) Status Handbook, dated January 13, 2018, or as updated.)

3.19 Trauma-Informed Approach

This approach recognizes how trauma affects victims' response to the criminal justice process and seeks to avoid victim retraumatization, increasing safety of all, and increasing the effectiveness and efficiency of interactions with victims. This includes victim-centered practices that place priority on the survivor's feelings of safety, choice, and control.

3.20 U Nonimmigrant Status (U Visa)

HSI signs U visa certifications (USCIS Form I-918 Supplement B) for victims who have assisted, are assisting, or will assist in the future with an HSI investigation for certain qualifying crimes, including human trafficking, as part of a victim-centered approach. The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years. While in U nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity. If certain conditions are met, an individual with a U visa may apply for adjustment to LPR status after three years. 8 U.S.C. § 1101(a)(15)(U). (*See* HSI HB 18-06, U Nonimmigrant Status (U Visa) Handbook, dated September 21, 2018, or as updated.)

3.21 Unaccompanied Alien Child

An unaccompanied alien child is a minor who has no lawful immigration status in the United States, has not attained 18 years of age, has no parent or legal guardian in the United States, or has no parent or legal guardian in the United States who is available to provide care and physical custody. (*See* the *William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008*, Pub. L. No. 110-457, § 235(g), 122 Stat. 5044.) (Note: Not all unaccompanied alien children have been smuggled or trafficked.)

Not later than 24 hours after an SA discovers that a minor or an unaccompanied alien child may be a victim of a severe form of trafficking, the SA will notify HHS and the CCHT Operations Unit as required by section 212 of the TVPRA of 2008. (*See* Section 9.10.)

3.22 Victim-Centered Investigation and Prosecution

Employing a victim-centered approach to investigations and prosecutions is an enforcement strategy shared by HSI, the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and the Department of Labor (DOL). The goal of a victim-centered investigation and prosecution is to focus the entire investigation and prosecution around the victim while minimizing any undue stress, harm, and trauma to the victim. Using this approach to investigations and prosecutions prioritizes victims' rights, safety, and interests first. It also minimizes retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice. This approach is key to a successful investigation. It requires coordinated access to an array of victim services to facilitate safety and healing. Access to victim assistance is not tied to prosecutorial decisions or outcomes.

3.23 Victim Service Providers

Victim service providers have an important role in the stabilization and long-term recovery of trafficking victims and often provide the following services: shelter, food, clothing, medical care,

dental care, legal counsel, immigration assistance, mental health counseling, interpreter services, English language training, job skills training, and case management.

Chapter 4. AUTHORITIES/REFERENCES

4.1 Customs Officer and Immigration Officer Authorities

The Homeland Security Act of 2002, in conjunction with the Department of Homeland Security Reorganization Plan of November 25, 2002, and the Reorganization Plan Modification for the Department of Homeland Security of January 30, 2003, authorizes HSI SAs to perform the duties provided to them by law and regulation. Through this legal framework and corresponding delegation orders, the law enforcement authorities granted to customs officers (19 U.S.C. § 1589a and Title 19, Code of Federal Regulations (C.F.R.), Parts 161-162), and to immigration officers (8 U.S.C. § 1357 and 8 C.F.R. § 287.5) were transferred to HSI SAs, authorizing them to perform a number of duties, including, but not limited to, conducting investigations of offenses against the United States; conducting searches without warrant at the border, its functional equivalent, or the extended border; conducting inquiries related to immigration status and removability; executing and serving search or arrest warrants; serving subpoenas and summonses; administering oaths; making arrests without warrant; requiring and receiving information relating to offenses; and bearing firearms.

4.2 Human Trafficking Related Statutes

A. Trafficking Victims Protection Act (TVPA) of 2000 and all subsequent reauthorizations

1) 18 U.S.C. § 1589, Forced Labor

2) 18 U.S.C. § 1591, Sex Trafficking of Children OR by Force, Fraud or Coercion

3) 18 U.S.C. § 1592, Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor (aka Document Servitude)

4) 18 U.S.C. § 1594, Attempt/Conspiracy

5) 18 U.S.C. § 1597, Unlawful Conduct Regarding Immigration Documents

B. Labor and fraud offenses

1) Title 18, Chapter 63, Fraud Offenses

2) 18 U.S.C. § 1351, Fraud in Foreign Labor Contracting

3) 29 U.S.C. §§ 207, 215, 216, Fair Labor Standards Act

C. Prostitution related offenses charged with or in lieu of 18 U.S.C. § 1591 (Sex Trafficking)

1) Adults

a) 18 U.S.C. § 2421, Interstate transportation for prostitution

b) 18 U.S.C. § 2422(a), Interstate coercion and enticement into prostitution

2) Minors

a) 18 U.S.C. § 2423(a), Transportation of Minors with Intent to Engage in Criminal Sexual Activity

b) 18 U.S.C. § 2423(b), Travel with Intent to Engage in Illicit Sexual Conduct

c) 18 U.S.C. § 2422(b), Interstate Coercion and Enticement into Prostitution

d) 18 U.S.C. § 1952, Interstate and Foreign Travel or Transportation in Aid of Racketeering

D. Transnational Child Sex Offenders

1) 18 U.S.C. § 1596, Extraterritorial jurisdiction

2) 18 U.S.C. § 2423(a), Transportation with intent to engage in criminal sexual activity

3) 18 U.S.C. § 2423(b), Travel with intent to engage in illicit sexual conduct

4) 18 U.S.C. § 2423(c), Engaging in illicit sexual conduct in foreign places

E. Child Pornography

1) 18 U.S.C. § 2251(a), Sexual exploitation of children

2) 18 U.S.C. § 2252(b), Certain activities relating to material involving the sexual exploitation of minors

F. Immigration and Visa Fraud Offenses

1) 8 U.S.C. § 1324, Alien Smuggling

2) 18 U.S.C. § 1546, Visa Fraud

3) 8 U.S.C. § 1328, Importation for Prostitution

G. Financial Offenses

1) 18 U.S.C. §§ 1596, 1597, Money Laundering

2) 18 U.S.C. § 1956(h), Conspiracy to violate §§ 1956 and/or 1957

3) 18 U.S.C. § 1960, Prohibition of unlicensed money transmitting businesses

4) 31 U.S.C. § 5324, Structuring transactions to evade reporting requirement prohibited

5) 18 U.S.C. § 981, Civil Forfeiture

6) 18 U.S.C. § 982 Criminal Forfeiture

H. Drug Trafficking Offenses

1) 21 U.S.C. § 841, Distribution of and Possession with Intent to Distribute a Controlled Substance

2) 21 U.S.C. § 844, Simple Possession of a Controlled Substance

3) 21 U.S.C. § 846, Attempt and Conspiracy

4) 21 U.S.C. § 856, Maintaining Drug Involved Premises

I. Obstruction

1) 18 U.S.C. § 1591(d), Obstructing Enforcement of Sex Trafficking of Children OR by Force, Fraud or Coercion

2) 18 U.S.C. § 1592(c), Obstructing Enforcement of Unlawful Conduct with Respect to Documents in Furtherance of Trafficking

3) 18 U.S.C. § 1597(c), Obstructing Enforcement of Unlawful Conduct Regarding Immigration Documents

J. Other relevant offenses

1) 18 U.S.C. § 2, Aiding and Abetting

2) 18 U.S.C. § 4, Misprision of Felony

3) 18 U.S.C. § 371, Conspiracy

4) 18 U.S.C. § 1201, Kidnapping

5) 8 U.S.C. § 1325, Improper Entry by Alien

6) 18 U.S.C. § 1596, Extraterritorial jurisdiction

7) 18 U.S.C. § 1962, Prohibited Activities; 18 U.S.C. § 1963, Criminal Penalties (aka Racketeer Influenced and Corrupt Organization (RICO))

8) 19 U.S.C. § 1307, Convict-Made Goods; Importation Prohibited

K. Rarely, if ever, used statutes

1) 18 U.S.C. § 1581, Peonage; Obstruction of Enforcement

2) 18 U.S.C. § 1582, Vessels for Slave Trade

3) 18 U.S.C. § 1583, Enticement into Slavery

4) 18 U.S.C. § 1584, Sale into Involuntary Servitude

5) 18 U.S.C. § 1585, Seizure, Detention, Transportation or Sale of Slaves

6) 18 U.S.C. § 1586, Service on Vessels in Slave Trade

7) 18 U.S.C. § 1587, Possession of Slaves Aboard Vessel

8) 18 U.S.C. § 1588, Transportation of Slaves from United States

9) 18 U.S.C. § 1593A, Benefiting Financially from Peonage, Slavery and Trafficking in Persons

4.3 References

A. ICE Directive 10036.2, Implementation of Section 1367 Protections for Noncitizen Victims of Crime, dated March 16, 2022, or as updated.

B. ICE Directive 11005.3, Using a Victim-Centered Approach with Noncitizen Crime Victims, dated August 3, 2021, or as updated.

C. HSI Directive 21-05, Federal Victim Assistance Mandates and Responsibilities, dated October 19, 2021, or as updated.

D. HSI Directive 21-03, Continued Presence, dated February 26, 2021, or as updated.

E. HSI HB 20-07, Child Sexual Exploitation Investigations Handbook, dated November 24, 2020, or as updated.

F. HSI HB 20-04, Case Management Handbook, dated July 1, 2020, or as updated.

G. HSI HB 18-06, U Nonimmigrant Status (U Visa) Handbook, dated September 21, 2018, or as updated.

H. HSI HB 18-01, T Nonimmigrant Status (T Visa) Handbook, dated January 13, 2018, or as updated.

I. HSI HB 14-03, Financial Investigations Handbook, dated May 13, 2014, or as updated.

J. Office of Investigations (OI) HB 08-04, Undercover Operations Handbook, dated April 14, 2008, or as updated.

K. "Interagency Memorandum of Understanding between the Department of Health and Human Services, the Department of Homeland Security, and the Department of Justice," dated July 12, 2004, or as updated.

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI is responsible for the oversight of the policy and procedures set forth in this Handbook.

5.2 Assistant Director, Countering Transnational Organized Crime

The Assistant Director, Countering Transnational Organized Crime, is responsible for the oversight of the implementation of the provisions of this Handbook within HSI.

5.3 Director, Center for Countering Human Trafficking

The CCHT Director is responsible for coordinating the overall HSI, ICE, and DHS response to countering human trafficking.

5.4 Unit Chief, CCHT Operations Unit

The CCHT Operations Unit Chief is responsible for the implementation of the provisions of this Handbook within HSI. More specifically, the CCHT Operations Unit Chief is responsible for programmatic oversight of all HSI investigative activities associated with human trafficking investigations. (*See also* Section 7.4.)

5.5 Unit Chief, Victim Assistance Program/Management Oversight Unit

The Unit Chief, Victim Assistance Program/Management Oversight Unit (VAP/MOU), is responsible for oversight of the Victim Assistance Program (VAP), including training, technical assistance, and support to Victim Assistance Specialists (VASs) and FISs, as well as HSI's T and U visa programs.

5.6 Unit Chief, Parole and Law Enforcement Programs Unit

The Unit Chief, Parole and Law Enforcement Programs Unit (PLEPU), oversees the adjudication of requests to parole aliens into the United States to provide a significant public benefit to the U.S. Government, along with being the HSI Headquarters (HQ) point of contact (POC) for all S visa and witness security matters. This includes Significant Public Benefit Paroles (SPBPs) for any witnesses and certain family members of trafficking victims on CP.

5.7 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the provisions of this Handbook within their respective areas of responsibility (AORs).

5.8 Group Supervisors

Group Supervisors are responsible for ensuring that SAs and other personnel assigned to their Human Trafficking Groups comply with the provisions of this Handbook, including reporting and case coding requirements.

5.9 Special Agents

SAs who conduct human trafficking investigations are responsible for complying with the provisions of this Handbook, including:

A. Representing HSI in any established human trafficking task force;

B. Prioritizing cross-border and forced labor investigations;

C. Conducting proactive human trafficking investigations;

D. Requesting that a VAS be available to assist victims identified in the operation and during the initial interview of victim(s), as needed;

E. Requesting an FIS for forensic interviews, as needed;

F. Establishing or working within established relationships with community organizations, NGOs, worker organizations, low wage industries, and local and state labor agencies to proactively identify leads for labor trafficking and sex trafficking;

G. Requesting CP and seeking requisite HSI signatures for T visa declarations and U visa certifications as part of a victim-centered approach that benefits victims and the investigation;

H. Providing a trafficking victim with reasonable protection from a suspected offender and associates;

I. Completing a Victim Report of Investigation (ROI) for each victim identified in addition to the investigative ROI; and

J. Conducting focused outreach with the objective of mitigating trafficking by engaging key industries and raising public awareness to recognize and report trafficking indicators.

5.10 Victim Assistance Specialists

VASs are responsible for:

A. Accompanying SAs on-scene and to victim interviews to provide assistance and support to crime victims, as requested;

B. Notifying trafficking victims of the crime victims' rights to which they are entitled under 34 U.S.C. § 20141;

C. Providing identified victims with information about services available to them at the earliest opportunity after detection of a crime without interfering with an investigation;

D. Acting as a liaison between the victim and HSI throughout the course of the investigation to explain the criminal justice system;

E. Preparing only, not signing, any CP requests, T visa declarations, and U visa certifications and tracking completions; and

F. Assessing victims' needs and working in close collaboration with SAs and FISs to integrate victim assistance considerations from the beginning and throughout the duration of the criminal case and coordinating victim assistance efforts with appropriate state and local officials and victim assistance and compensation providers

5.11 Forensic Interview Specialists

FISs are responsible for:

A. Conducting forensic interviews of trafficking victims upon request by an SA;

B. Working in collaboration with SAs, VASs, and Victim Assistance Coordinators (VACs) on case coordination, operational planning, and case consultation, where appropriate; and

C. Obtaining statements from victims in a developmentally sensitive, trauma-informed manner which minimizes additional trauma to victims in sensitive HSI investigative cases.

5.12 Criminal Analysts

Criminal Analysts who support human trafficking organizations are responsible for complying with the provisions of this Handbook and with HSI HB 21-01, Criminal Analysis Handbook, dated September 13, 2021, or as updated, including:

A. Proactively supporting human trafficking investigations;

B. Coordinating with external resources, as needed;

C. Complying with the HSI Framework for Criminal Analysis and innovating new methodologies within the Framework;

D. Producing applicable Reports of Analysis (ROAs) consistent with the Criminal Analysis Handbook; and

E. Electronically posting ROAs in the HSI (b) (7)(E) document library.

5.13 Office of the Principal Legal Advisor

Office of the Principal Legal Advisor (OPLA) attorneys embedded within HSI are available as needed to answer legal questions that arise in the course of criminal investigations. OPLA's Human Rights Violator Law Division (HRVLD) is available to provide legal advice, training, and technical assistance on human trafficking, federal victim assistance, CP, T visas, and U visas. OPLA's ICE Ethics Office should be contacted regarding ethics issues involving interactions with NGOs such as offers of tangible items to provide to victims or letters of support for grant applications.

Chapter 6. HUMAN TRAFFICKING FUNDAMENTALS

6.1 Human Trafficking, Generally

Human traffickers compel others into labor or commercial sex. Worldwide, an estimated 25 million people are either in forced labor or sex trafficking: 80 percent in forced labor and 20 percent in sex trafficking, according to the International Labour Organization. Human trafficking is involuntary, a crime against a person, exploitation-based, and does not require crossing a border. Most human trafficking occurs entirely within the United States, while some individuals are moved across international borders unaware that they will become trafficking victims.

There is no single profile of a victim or a trafficker. Both traffickers and victims can be of any age, race/ethnicity, sex, nationality, immigration status, cultural background, socio-economic class, and education attainment level.

6.2 Human Smuggling versus Human Trafficking

Human smuggling and human trafficking are often conflated although the actual statutory definitions of the two crimes demonstrate that they are separate and distinct. (*See* Chapter 8 for statutory language.)

Human trafficking is a crime against a person, compelling an individual into labor or commercial sex through the use of force, fraud, or coercion. However, force, fraud, or coercion is not required for anyone under the age of 18 engaged in commercial sex. Trafficking is involuntary, does not require the crossing of a border, and often may involve transportation, but this is not an element of the crime.

Human smuggling is transportation-based, differing from human trafficking, which is exploitation-based. Human smuggling is a crime involving deliberate evasion of immigration laws, with a nexus to the border. 8 U.S.C. § 1324 (Bringing In and Harboring Certain Aliens) involves the facilitation and transportation of people into the United States by deliberately evading U.S. immigration laws. This offense includes bringing aliens into the United States and unlawfully transporting and/or harboring aliens within the United States.

Both crimes can be charged in a single case if a victim was first smuggled into the United States and then subjected to forced labor or sex trafficking. (b) (7)(E) (b) (7)(E) There have also been cases where individuals were smuggled into the United States and were then forced to remain at a safe house to clean, cook, and engage in commercial sex as other migrants transited through. As HSI is in the best position to uncover this hidden human trafficking within what appears to be smuggling, SAs should be (b) (7)(E) (b) (7)(E)

(b) (7)(E)

6.3 Human Trafficking is NOT…

A. Prostitution. Prostitution is often conflated with sex trafficking. However, under current U.S. law prostitution and sex trafficking are distinct crimes. U.S. law requires the element of force, fraud, or coercion for a commercial sex act to be considered trafficking. An important exception involves the sex trafficking of minors (anyone under the age of 18), in which case force, fraud, or coercion is not required to prove sex trafficking.

B. Harsh working conditions. If an individual is subjected to harsh working conditions—such as not being properly compensated or being required to work long hours without breaks in violation of federal, state, or local labor laws—but is able to quit the job without punishment or threat of punishment, the individual is not a trafficking victim. (b) (7)(E) [redacted]

C. Hostage for ransom. If an individual is held hostage or held for ransom and abused—that is, someone who paid to be smuggled into another country is held captive and raped or tortured until they pay a ransom or a smuggling fee—but is not in a situation of forced labor or commercial sex, the individual is not a trafficking victim.

D. "Mail-order brides." Marriage through international marriage brokers does not automatically constitute trafficking. If a "mail-order bride" is assaulted or otherwise mistreated but is not exploited for a commercial benefit, she is not a trafficking victim. If, however, she finds herself forced into commercial sex or placed in a situation of involuntary domestic servitude, she is a trafficking victim.

E. Illegal adoption. Illegal adoption, including the kidnapping or buying or selling of a child for the purpose of offering that child for adoption, is not a form of human trafficking under U.S. law.

F. Organ trafficking. Although part of the United Nations (UN) Protocol, U.S. law does not consider the trade in human organs to be human trafficking.

G. Distribution and possession of child pornography. Distribution and possession of child pornography—while criminally prohibited—are not acts of human trafficking. Producing child pornography may constitute human trafficking if a child is induced to perform a commercial sex act while producing the pornography.

H. Forced marriage. A forced marriage takes place without the full and free consent of one or both people to the union. Under U.S. federal law, forced marriage is not human trafficking.

6.4 Intersection of Human Trafficking with Other Illicit Activity

Criminal organizations have incorporated human trafficking among their other illicit activities, making efficient use of their existing infrastructure, resources, networks, and markets, and adjusting or combining their illicit activities based on profit and risk considerations. Human trafficking cases may have a nexus to drugs, gangs, human smuggling, commercial sexual exploitation of children, document fraud, labor exploitation, and money laundering. HSI SAs investigating human trafficking need to be attuned to indicators of other crimes, and HSI SAs investigating other crimes need to (b) (7)(E)

6.5 Industries Where Investigations Uncovered Human Trafficking

Human trafficking occurs in both legal and illegal industries and may intersect with other criminal activity. This information may be helpful for situational awareness, prioritization of outreach efforts, and the targeting of proactive investigations.

(b) (7)(E)

Chapter 7. HSI'S HUMAN TRAFFICKING MISSION, APPROACH, AND OUTREACH

7.1 Mission

HSI's two-fold human trafficking mission is to:

A. Employ a victim-centered approach where equal value is placed on the identification and stabilization of victims as well as on the deterrence, investigation, and prosecution of traffickers, and

B. Proactively identify, disrupt, and dismantle cross-border human trafficking organizations and minimize the risk they pose to national security and public safety.

7.2 Approach

HSI's approach to combatting human trafficking is rooted in the 4Ps – prevention, protection, prosecution, and partnership:

A. *Prevention* – Through the HSI Strategic Targeted Outreach Program (S.T.O.P.), HSI field offices provide outreach to domestic and foreign law enforcement, NGOs, private industries, and other entities to increase awareness of human trafficking and promote reporting of suspected trafficking to law enforcement.

B. *Protection* – HSI employs a victim-centered approach where equal value is placed on the identification and stabilization of victims, as well as on the deterrence, investigation, and prosecution of the traffickers. HSI SAs work closely with victim assistance personnel to ensure that survivors can be safe and that their situation can be stabilized.

C. *Prosecution* – HSI leverages its broad criminal and immigration authorities to further investigations and bring traffickers to justice. HSI coordinates with federal, state, and local law enforcement to ensure strong investigations for successful prosecutions.

D. *Partnership* – Through its domestic footprint of over 200 offices, HSI participates in over 100 human trafficking task forces comprised of federal, state, local, and tribal law enforcement. HSI has a global footprint with multiple international offices in multiple countries which facilitates cooperation and collaboration with foreign law enforcement. HSI partners with the DHS Blue Campaign and NGOs to raise public awareness of human trafficking, generate investigative leads, and provide services to identified victims.

7.3 Strategic Targeted Outreach Program

S.T.O.P. replaced the Trafficking in Persons' outreach strategy. S.T.O.P. is an HSI-driven initiative designed to mitigate trafficking by engaging key industries and raising public awareness to recognize and report trafficking. S.T.O.P. uses a multi-faceted approach to combat the widespread exploitation seen across 25 distinct typologies of industry.

The goals of this comprehensive initiative are accomplished by working in concert with appropriate ICE Directorates and Program Offices; DHS components; DOJ's Human Trafficking Prosecution Unit (HTPU); U.S. federal, state, local, and tribal law enforcement agencies (LEAs); foreign governments; and NGOs. The implementation of a unified initiative that operates effectively in the United States and abroad enables HSI to capitalize on the extensive depth of its investigative resources and expertise. Effective coordination with HSI Attaché Offices enables HSI to partner with foreign LEAs to further develop major investigations in this area.

S.T.O.P. Trafficking uses PowerPoint presentations, posters, and specific informational awareness pamphlets that are concise and effective and deliver HSI's consistent messaging of a victim-centered approach where equal value is placed on the identification and stabilization of victims, as well as on the deterrence, investigation, and prosecution of traffickers. All outreach engagements with the public and private sector should be referred to as a S.T.O.P. Trafficking outreach event. Quarterly reporting and Investigative Case Management (ICM) documentation remains the same. The outreach program code also remains the same: (b) (7)(E)

The primary components of this strategy are as follows:

A. *Outreach*: SACs engage in an outreach campaign to: (1) educate state and local LEAs, private industries, and NGOs regarding HSI's expertise and role in human trafficking investigations; (2) explain the provision of CP, a short-term immigration relief for victims of trafficking; and (3) establish HSI as an LEA for human trafficking leads. HSI Attachés focus outreach efforts on NGOs and foreign LEAs to enhance their awareness and increase their efforts to combat human trafficking in source, transit, and destination countries.

B. *Coordination*: SACs coordinate and deconflict human trafficking investigations with existing U.S. Attorney-led human trafficking task forces and DOJ Bureau of Justice Assistance (BJA)-funded state and local task forces. SACs and Attachés exchange information to identify and pursue the full scope of the criminal enterprise. HSI Attachés engage host government officials to enhance information exchange with the purpose of identifying and pursuing the full scope of the global criminal enterprise.

C. *Coalition Building*: SAC offices develop and build on existing partnerships with federal, state, local, and tribal LEAs, private industries, and NGOs. The goal is to form long-term strategic relationships to foster the exchange of information and collaboration in conducting human trafficking investigations and provide appropriate victim services. HSI Attachés complement these efforts by establishing similar relationships in host countries.

7.4 CCHT Operations Unit

The CCHT Operations Unit plays a critical role in ICE's mission to combat transnational human trafficking. To do so, it:

A. Develops and implements enforcement strategies to address the threats presented by transnational human traffickers both domestically and internationally and participates in U.S. Government counter-trafficking enforcement initiatives.

B. Coordinates and collaborates with HSI field offices; DHS components; other federal agencies; NGOs; and state, tribal, local, and foreign law enforcement partners to address human trafficking.

C. Coordinates and collaborates with VAP and PLEPU in HSI and with Enforcement and Removal Operations (ERO) to implement a victim-centered approach across the agency.

D. Serves as a POC and advocate for HSI Human Trafficking Groups in field offices to obtain resources and for policy-related issues.

E. Funds certain operational expenses for human trafficking investigations.

F. Maintains resources on (b) (7)(E) and administers a listserv for all SAs assigned to human trafficking. (b) (7)(E)

(b) (7)(E)

Chapter 8. MAKING A HUMAN TRAFFICKING CASE – POTENTIAL CHARGES AND EVIDENCE

Human traffickers engage in a wide range of criminal activity which results in numerous criminal statutes that may be applicable to hold them accountable. This Chapter presents the relative hierarchy of potential charges against traffickers, combinations of charges, and the type of evidence required to sustain them. SAs (b) (7)(E) (b) (7)(E) . SAs should consult OPLA's HRVLD (or OPLA's HSI Law Division (HSILD) (b) (7)(E)

(b) (7)(E)

8.1 Primary Human Trafficking Offenses

18 U.S.C. § 1589 (Forced Labor) and § 1591 (Sex Trafficking) form the basis of nearly every human trafficking prosecution. They carry significant sentences, including potential life sentences for sex trafficking and for forced labor where aggravating factors are present. They also carry mandatory restitution for victims. In all HSI human trafficking investigations, (b) (7)(E)

(b) (7)(E)

8.2 18 U.S.C. § 1589, Forced Labor

A. (b) (7)(E)

1. Knowingly provides or obtains the labor or services of a person by

2. any one of, or by any combination of, the following means—

by means of *force, threats of force, physical restraint, or threats of physical restraint* to that person or another person;	by means of *serious harm or threats of serious harm* to that person or another person;	by means of the *abuse or threatened abuse of law or legal process*; or	by means of any *scheme, plan, or pattern* intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint

(b) (7)(E)

1) *By means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;*

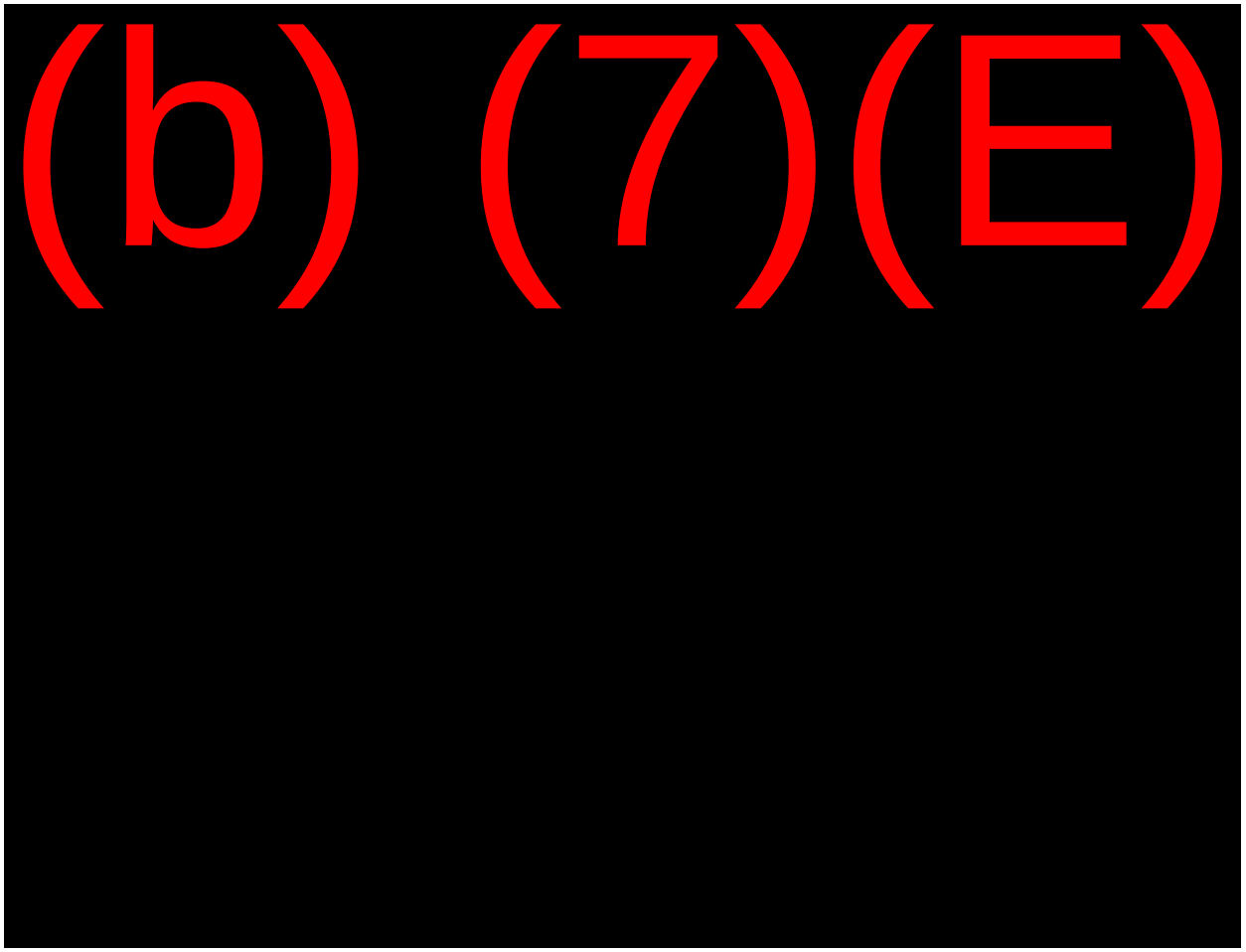
(b) (7)(E)

(b) (7)(E)

2) *By means of serious harm or threats of serious harm to that person or another person;*

Serious harm is defined as "any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm."

(b) (7)(E)



3) *By means of the abuse or threatened abuse of law or legal process; or*

The statute defines this as being an administrative, civil, or criminal law or legal process used in any manner or for any purpose for which the law was not designed in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

ABUSE OR THREATENED ABUSE OF THE LAW OR LEGAL PROCESS

Arrest
Reporting probation violation
Reporting violation to child protective services
Revoking work visa
Reporting violations of a work visa
Reporting overstaying a visa
Blacklisting an individual from future work visas
Deportation

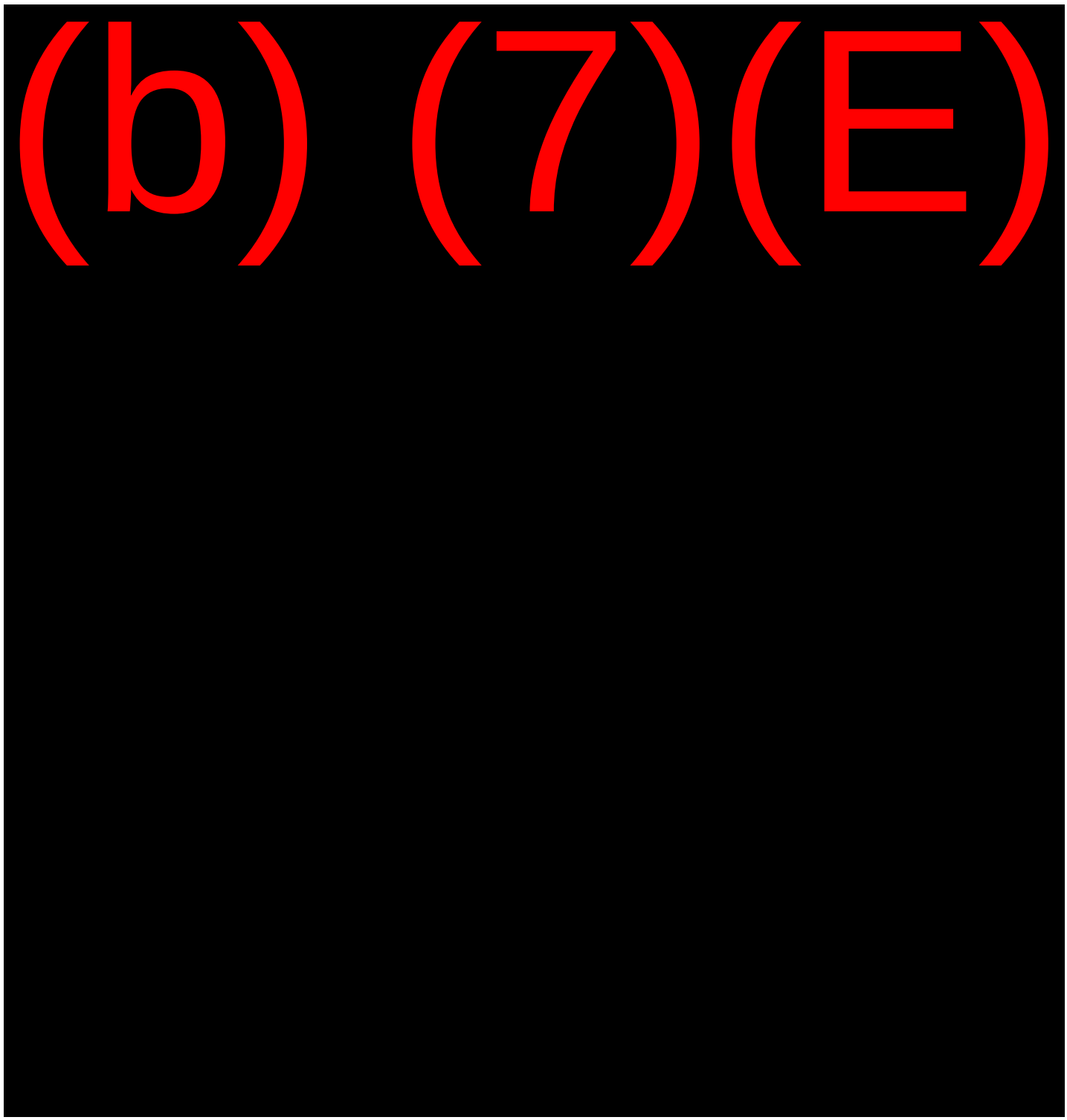
SAs should (b) (7)(E)

(b) (7)(E)

4) *By means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.*

Courts have interpreted this fourth means as being the totality of the trafficker's conduct rather than one action. (b) (7)(E)

(b) (7)(E)


(b) (7)(E)

NON-TESTIMONIAL EVIDENCE OF FORCED LABOR

(b) (7)(E)

B. Benefiting Financially from Forced Labor Under 18 U.S.C. § 1589(b)

1. Knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by:

Knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by:

2. any one of, or by any combination of, the following means—

by means of *force, threats of force, physical restraint, or threats of physical restraint* to that person or another person;

by means of *serious harm or threats of serious harm* to that person or another person;

by means of the *abuse or threatened abuse of law or legal process*; or

by means of any *scheme, plan, or pattern* intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint

(b) (7)(E)

(b) (7)(E) Tanya Jumroon, an Oregon restaurant owner. From the press release:

"Tanya Jumroon, also known as Thunyarax Phatanakit Jumroon, 59, of Beaverton, Oregon, and a naturalized citizen originally from Thailand, pleaded guilty today in

a U.S. District Court in Portland, Oregon, to financially benefiting from forced labor, visa fraud conspiracy, and filing a false federal income tax return…. According to the defendant's plea agreement, admissions in court, and other court documents, between 2011 and 2014, the defendant, her then-husband, Paul Jumroon, and other associates fraudulently obtained E-2 visas to bring Thai nationals into the United States to provide cheap labor at two restaurants located in Lake Oswego, Oregon, and Ridgefield, Washington. The restaurants were owned and operated by the defendant and Jumroon at the time but have since been sold and are under new ownership.

Paul Jumroon used the fraudulently obtained E-2 visas to entice four forced labor victims to come to the United States from Thailand. After the victims arrived, Jumroon used inflated travel expenses, debt manipulation, threats of deportation, serious financial and reputational harm, verbal abuse, and control over identification documents, among other means, to compel them to work 12 hours a day, six to seven days a week, for minimal pay at the restaurants he co-owned and operated with the defendant. The defendant witnessed Paul Jumroon's mistreatment of two of the victims, and she benefited financially from the victims' forced labor at the restaurants."

(b) (7)(E)

(b) (7)(E)

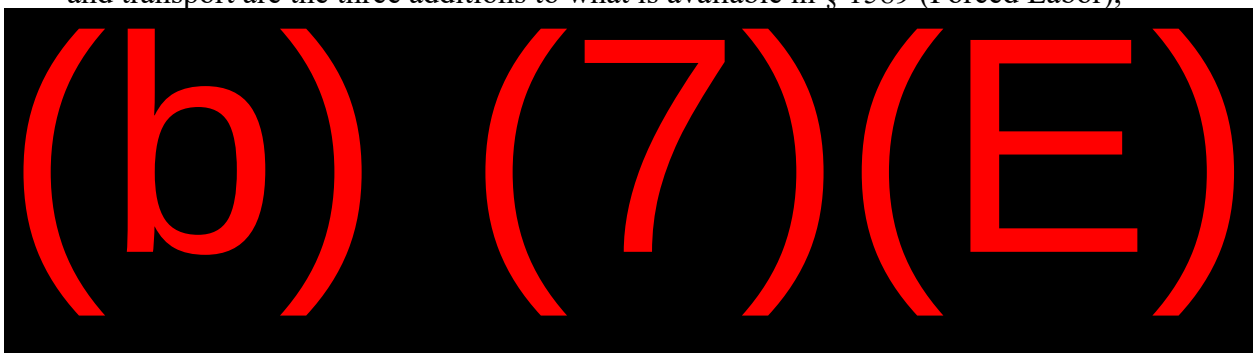
(b) (7)(E) DOL's annual report titled "List of Goods Produced by Child Labor or Forced Labor" which is maintained and updated online. The primary production sector is agriculture, followed by manufacturing and then mining. That means that the goods produced range from seafood, palm oil, cotton, cocoa, and coffee to garments, carpets, and electronics and to coltan, wolframite, gold, and diamonds. (b)

(b) (7)(E)

C. 18 U.S.C. § 1590, Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor

Section 1590 makes it a crime to knowingly recruit, harbor, transport, provide, or obtain a person for labor or services for purposes of forced labor. Recruit, harbor,

and transport are the three additions to what is available in § 1589 (Forced Labor),



8.2.1 18 U.S.C. § 1591, Sex Trafficking of Children OR by Force, Fraud, or Coercion

A. Statutory Differences from Forced Labor

While portions of § 1589 (Forced Labor) and § 1591 (Sex Trafficking) are the same, there are a few distinctions to note:

1) Section 1589 (Forced Labor) requires that the trafficker knowingly provide or obtain, whereas Section 1591 (Sex Trafficking) has many more options, including that the trafficker knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits.

2) Section 1591 (Sex Trafficking) requires an interstate commerce nexus whereas Section 1589 (Forced Labor) does not.

3) Section 1589 (Forced Labor) has no explicit element of fraud (although fraud, if present, should be thoroughly presented as part of the plan, pattern, or scheme) whereas Section 1591 (Sex Trafficking) not only explicitly lists fraud as an element but can be proven entirely on the basis of fraud.

4) Section 1589 (Forced Labor) requires proof of coercion for both minors and adults; however, Section 1591 (Sex Trafficking) does not require proof of force, fraud, or coercion for minors, although, if proven, the sentencing is higher.

5) Also, Section 1589 (Forced Labor) has a 10-year statute of limitations whereas Section 1591 (Sex Trafficking) has none.

B. Sex Trafficking Under 18 U.S.C. § 1591(a)(1)

The statute breaks down into four elements under § 1591(a)(1):

1. In or affecting interstate or foreign commerce
2. Knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes or solicits by any means a person
3. Knowing or in reckless disregard
That means of force, threats of force, fraud, coercion or any combination of such means will be used to engage in
(Adult or child sex trafficking)
OR
The person has not attained the age of 18 years and will be caused to engage in
(Child sex trafficking)
4. A commercial sex act

1) *In or affecting interstate or foreign commerce*

To meet this element, SAs need to (b) (7)(E)

2) *Knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes or solicits by any means a person*

This element allows the statute to reach and hold accountable a wide range of criminal actors who are involved in facilitating sex trafficking. The majority of these are self-explanatory; however, SAs should take particular note that

(b) (7)(E)

3. *Knowing or in reckless disregard that means of force, threats of force, fraud, coercion or any combination of such means*

This element is substantially similar to the four prohibited means of 18 U.S.C. § 1589 (Forced Labor) (b) (7)(E)

finally with coercion whose definition encompasses three of the four prohibited means:

1) threats of serious harm to or physical restraint against any person;

2) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

3) the abuse or threatened abuse of law or the legal process.

SAs should (b) (7)(E)

(b) (7)(E)

SAs should (b) (7)(E)

(b) (7)(E)

AND/OR

Knowing or in reckless disregard that the person has not attained the age of 18 years

No proof of force, fraud, or coercion is required because a minor is presumed to be unable to legally consent to commercial sex. Assistant U.S. Attorneys (AUSAs) in the SAs' AOR (b) (7)(E)

(b) (7)(E)

For example, (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

age of 14.

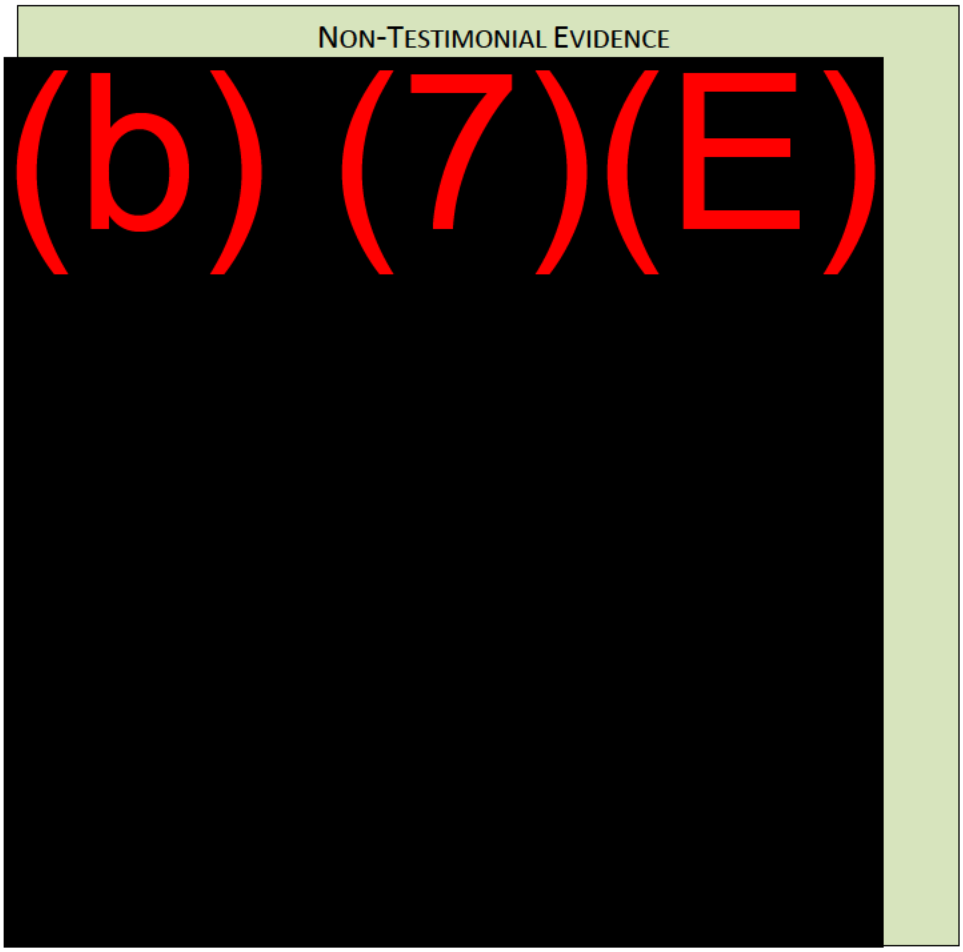
4. *And will be used to cause the person to engage in a commercial sex act*

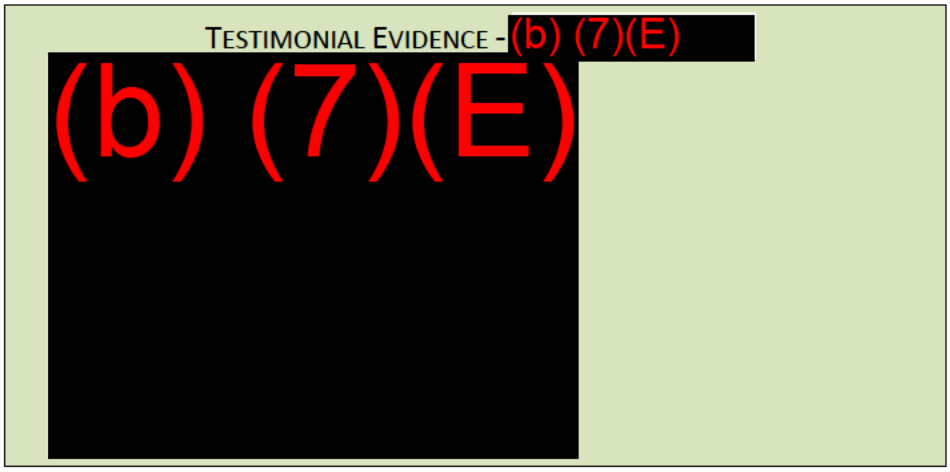
A commercial sex act is defined as a sex act on account of which anything of value is given to or received by any person. Anything of value has been broadly interpreted to include shelter, gifts, clothing, trips, even paint guns. The sex act is not limited to prostitution, but the vast majority of prosecuted cases have been based on prostitution. As a non-prostitution case, for example, in *United States v. Flanders*,[1] the traffickers drugged young women in order to compel videotaped sex acts which were then distributed commercially via the internet.

SAs should (b) (7)(E)

(b) (7)(E)

[1] 752 F.3d 1317 (11th Cir. 2014).


NON-TESTIMONIAL EVIDENCE
(b) (7)(E)


TESTIMONIAL EVIDENCE - (b) (7)(E)
(b) (7)(E)

C. Benefiting Financially from Sex Trafficking Under 18 U.S.C. § 1591(a)(2)

Actors who benefit financially by participating in a sex trafficking venture can also be held liable.

1. In or affecting interstate or foreign commerce

2. Knowingly benefits, financially or by receiving anything of value, from participation in a venture that recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes or solicits by any means a person

3. Knowing or in reckless disregard

That means of force, threats of force, fraud, coercion or any combination of such means will be used to engage in (Adult or child sex trafficking)

OR

The person has not attained the age of 18 years and will be caused to engage in (Child sex trafficking)

4. A commercial sex act

A "venture" is defined in § 1591 (Sex Trafficking) as "any group of two or more individuals associated in fact, whether or not a legal entity."

(b) (7)(E) [redacted] comes from a guilty plea by Kanubhai Patel, a Louisiana motel owner. From the press release:

> "According to evidence presented in court and documents filed in connection with the case, Patel acknowledged that, in his role as the former owner of the Riviera Motel, he regularly rented rooms to individuals who are charged as sex trafficking co-conspirators in connection with this case, knowing they were pimps who forced and coerced women to engage in prostitution. Patel admitted that, although he never personally recruited, groomed, or coerced any of the victims, he benefited financially from the sex trafficking operation.
>
> Evidence presented at the plea hearing and court documents establish that Patel would charge the pimps and sex trafficking co-conspirators higher rates than other motel guests and would open the motel's gate to allow the women to bring customers back to the hotel. Patel learned that members of the sex trafficking conspiracy physically assaulted women they prostituted, including one instance in which a co-conspirator brutally beat one woman with a large piece of wood while she screamed for help, leaving her with multiple lacerations and what appeared to be a broken arm. Patel also saw the damage that a co-conspirator caused to a motel room during a beating, including a broken toilet, a damaged sink, and blood on the

walls. Patel agreed not to call the police after the co-conspirator paid him for the damage to the room. Patel also knew that, in furtherance of the sex trafficking scheme, members of the sex trafficking conspiracy would take the women's identification cards from them. Patel saw the sex trafficking co-conspirators possessing the women's identification cards and using them to rent hotels. Patel did not report them to police as long as they paid their rent."

8.2.2 Extraterritorial Jurisdiction

18 U.S.C. §§ 1589, 1590, and 1591 carry extraterritorial jurisdiction provisions. Using this authority, an actor in violation of any of these statutes may be prosecuted in U.S. district court for a violation that happened anywhere in the world, so long as the target is a U.S. national, a U.S. LPR, or, irrespective of nationality, present in the United States.

8.3 Document Related Offenses

8.3.1 18 U.S.C. § 1592, Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor

Also known as the "document servitude" statute, 18 U.S.C. § 1592 targets traffickers who control victims' identity or immigration documents in order to perpetuate forced labor or sex trafficking. It is a crime to knowingly destroy, conceal, remove, confiscate, or possess any actual or purported passports or other immigration document, or any other actual or purported government identification document of another person in the course of violating several statutes, including 18 U.S.C. § 1589 (Forced Labor) and § 1591 (Sex Trafficking). It carries a maximum sentence of five years.

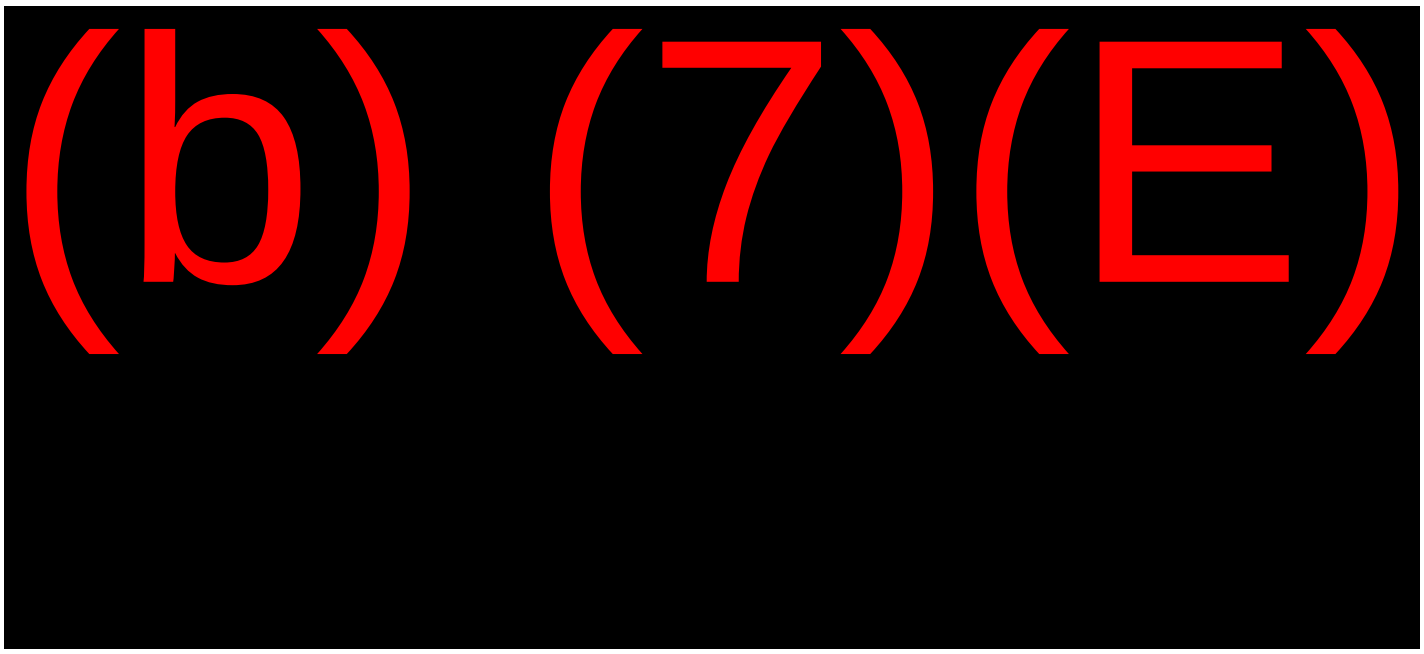
(b) (7)(E)

8.3.2 18 U.S.C. § 1597, Unlawful Conduct Regarding Immigration Documents

18 U.S.C. § 1597 is similar to document servitude; however, it must be in furtherance of 8 U.S.C. § 1324 (Alien Smuggling) or 18 U.S.C. § 1351 (Fraud in Foreign Labor Contracting). Under § 1597, it is a crime to knowingly destroy, conceal, remove, confiscate, or possess an actual or purported passport or other immigration document of another individual in the course of violating 8 U.S.C. § 1324 or 18 U.S.C. § 1351.

8.4 Labor, Fraud, and Customs Offenses

Traffickers often use fraud in furtherance of their crime; therefore, SAs should (b) (7)(E)
(b) (7)(E)



8.4.1 Title 18, Chapter 63, Fraud Offenses

SAs should be (b) (7)(E)

8.4.2 18 U.S.C. § 1351, Fraud in Foreign Labor Contracting

(b) (7)(E) Section 1351(a) is a crime of recruiting, soliciting, or hiring a person from outside the United States for employment in the United States using materially false promises regarding the employment.

Section 1351(b) criminalizes the same conduct but is specific to work performed outside the United States, such as on a U.S. Government contract or on a military base.

8.4.3 28 U.S.C. §§ 207, 215, 216, Fair Labor Standards Act

8.4.4 Title 18, Chapter 27, Customs Offenses

SAs should (b) (7)(E)

(b) (7)(E)

8.5 Prostitution Related Crimes Charged with or in Lieu of § 1591 (Sex Trafficking)

A clear majority of sex trafficking investigations involve prostitution. (b) (7)(E)

(b) (7)(E)

8.5.1 Adults

A typical combination of offenses is 18 U.S.C. §§ 2421 and 2422(a) if the defendant caused the victim to cross state lines for the purposes of prostitution and 8 U.S.C. § 1328 if the defendant smuggled the victim into the United States for purposes of prostitution.

> 18 U.S.C. § 2421, Interstate Transportation for Prostitution, prohibits knowingly transporting any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.
>
> Note (b) (7)(E)
>
> (b) (7)(E)
>
> 18 U.S.C. § 2422(a), Interstate Coercion and Enticement into Prostitution, prohibits knowingly persuading, inducing, enticing, or coercing any individual, regardless of age, to travel in interstate or foreign commerce to engage in prostitution or any sexual activity for which any person can be charged. The maximum sentence is 20 years.
>
> 8 U.S.C. § 1328, Importation for Prostitution, prohibits the importation into the United States of any alien, regardless of age, for the purpose of prostitution or the harboring of that person for the same purpose. The maximum sentence is 10 years.

8.5.2 Minors

Specific to minors, a frequent combination of offenses includes 18 U.S.C. §§ 2423(a), 2423(b), and 2422(b).

18 U.S.C. § 2423(a), Transportation of Minors with Intent to Engage in Criminal Sexual Activity, prohibits transporting a minor for purposes of prostitution, so proof that the child was not yet 18 years old is necessary. (b) (7)(E) (b) (7)(E) (b) (7)(E) The sentence is a minimum of 10 years to a maximum of life.

18 U.S.C. § 2423(b), Travel with Intent to Engage in Illicit Sexual Conduct, prohibits travel in interstate or foreign commerce for the purpose of engaging in illicit sexual conduct to include a commercial sex act and production of child pornography. The sentence is a maximum of 30 years. (*See* Section 8.6, Child Sex Tourism.)

18 U.S.C. § 2422(b), Interstate Coercion and Enticement into Prostitution, (b) (7)(E) (b) (7)(E) 18 U.S.C. § 2422(b) prohibits using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so. The sentence is a minimum of 10 years to a maximum of life.

8.5.3 Adults and Minors Under the Travel Act

18 U.S.C. § 1952, Interstate and Foreign Travel or Transportation in Aid of Racketeering, (b) (7)(E) (b) (7)(E) (b) (7)(E) 18 U.S.C. § 1952 prohibits traveling in interstate or foreign commerce or using the mail or any facility or interstate or foreign commerce with intent to distribute the proceeds from prostitution (among other things), commit any crime of violence to further prostitution (among other things), or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of prostitution (among other things).

8.6 Transnational Child Sex Offenders

Transnational child sex offenders engage in a form of human trafficking. It is a crime for a U.S. citizen or LPR to travel to a foreign country and engage in sexual activity with a child; it is also a crime to help someone organize or travel for that purpose. Some offenders plan trips with the pre-formed intent to engage in sexual activity while others engage in sexual activity with a child if the opportunity presents itself; both actions are criminalized under the following statutes:

18 U.S.C. § 1596 grants extraterritorial jurisdiction over 18 U.S.C. § 1591 (Sex Trafficking) which allows HSI to investigate U.S. nationals and residents who commit child sex trafficking crimes in foreign countries.

18 U.S.C. § 2423(c) prohibits U.S. citizens or LPRs from traveling from the United States to a foreign country and, while there, raping or sexually molesting a child or paying a child for sex. The penalty is up to 30 years.

18 U.S.C. § 2423(b) (b) (7)(E) where the intent for the travel was to have sex with minors, which includes contact through online services. The penalty is also up to 30 years.

18 U.S.C. § 2423(d) makes it a crime to facilitate the travel of U.S. citizens or LPRs knowing that they are traveling for the purpose of engaging in sex with a minor, thereby criminalizing "child sex tour operators." The penalty is up to 30 years.

8.7 Child Sexual Abuse Material

Child pornography statutes, like sex trafficking, also carry mandatory minimums. SAs should (b) (7)(E)

SAs (b) (7)(E)
(b) (7)(E)

(*See* HSI HB 20-07, Child Sexual Exploitation Investigations Handbook, dated November 24, 2020, or as updated.)

8.8 Immigration Offenses and Visa Fraud

Traffickers often recruit and target foreign nationals because they are far from their home communities, friends, and traditional sources of support; they may not speak the language or know U.S. laws, and they may not have lawful immigration status which makes them reluctant to reach out to law enforcement for help. Traffickers are known to bring victims into the United States lawfully or to recruit illegal aliens already in the United States. However, traffickers are also known to smuggle victims into the country, obtain fraudulent visas, or force victims to overstay valid visas.

In these situations, SAs should (b) (7)(E) As all traffickers are motivated by profit, SAs should be (b) (7)(E)

(b) (7)(E)

8.9 Financial Offenses

SAs (b) (7)(E)

(b) (7)(E)

Second, (b) (7)(E)

(b) (7)(E)

Third, a financial investigation can lead to evidence of money laundering. Traffickers' primary motivation is profit, so they often launder the proceeds of the trafficking to either conceal it, further distribute it, or avoid paying taxes. Evidence of money laundering (b) (7)(E) (b) (7)(E) Seizing the profits means a larger disruption and potential dismantlement of the trafficking enterprise. Enhanced penalties for violating money laundering statutes are significant and include fines of up to $500,000 and/or imprisonment up to 20 years.

8.9.1 Money Laundering

The following money laundering statutes are most relevant to human trafficking:

> 18 U.S.C. § 1956(a)(1) for domestic transactions – Federal money laundering laws require that there be a financial transaction involving proceeds of an SUA with knowledge by the transactor that the funds are proceeds of some felony, but the transaction must be accomplished or undertaken for a particular purpose, e.g., promote some violation which is in fact an SUA; conceal some aspect (ownership, source, location, etc.) of proceeds derived from an SUA; avoid a reporting requirement; or engage in income tax violations prohibited

by 26 U.S.C. §§ 7201, 7206. Despite these multiple elements, laundering can be as simple as transferring SUA proceeds from one person to another with the requisite intent. There is no limit to the amount or use of banks or transacting outside the country.

Specific to 18 U.S.C. § 1956(a)(1) for domestic transactions, (b) (7)(E)

(b) (7)(E)

18 U.S.C. § 1956(a)(2) for international transactions prohibits moving any money internationally with the intent to promote an SUA, so the money does not need to be criminal proceeds, e.g., using a website to pay for commercial sex ads for sex trafficking. It includes attempted transfers designed to conceal the nature of the proceeds or to avoid a reporting requirement. "Monetary instruments" include coin and currency, foreign money, personal and bank checks, traveler's checks, money orders, and investment securities.

18 U.S.C. § 1957, the "spending statute," (b) (7)(E) It has a threshold amount of $10,000 and requires a "monetary transaction," which means the involvement of a domestic or foreign bank.

18 U.S.C. § 1956(h) Conspiracy to violate § 1956 or § 1957 (or both) requires two or more people intending to launder dirty money. No overt act is required. In trafficking cases,

(b) (7)(E)

18 U.S.C. § 1960, Operating unlicensed money transmitting businesses, is the statute applicable to gatekeepers. Gatekeepers may not be involved in the trafficking itself, but they know that the funds are criminal proceeds and transfer or transmit those funds. This can include anyone who is helping to transmit the funds such as check cashers, couriers, and currency exchanges.

31 U.S.C. § 5324, Structuring is a crime of breaking up or attempting to break up cash transactions in order to evade Bank Secrecy Act (BSA) reporting requirements. SAs will

(b) (7)(E)

(*See* HSI HB 14-03, Financial Investigations Handbook, dated May 13, 2014, or as updated.)

8.9.2 Forfeiture

In conjunction with the predicate SUA offenses and the related money laundering laws, SAs will

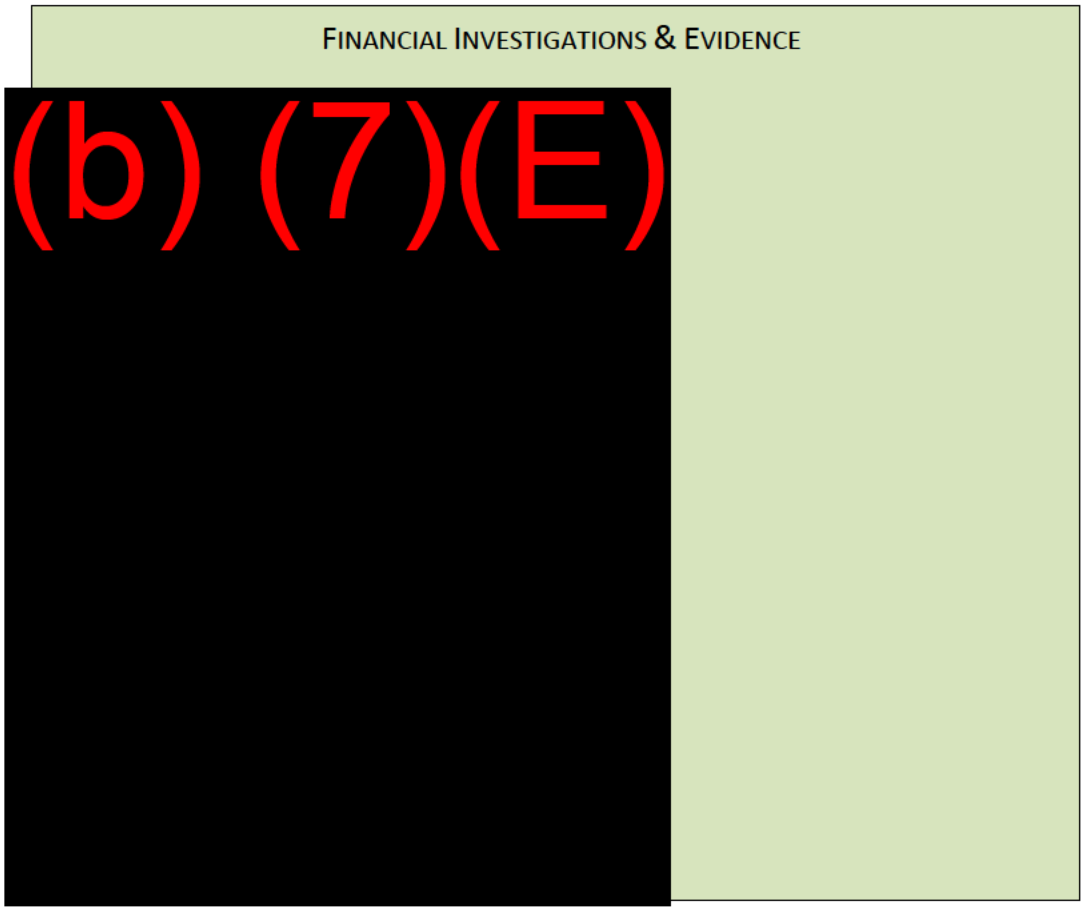
(b) (7)(E)

(b) (7)(E) Forfeiture of illicit assets and proceeds raises the cost and helps dismantle the criminal infrastructure of transnational criminal organizations like human smuggling organizations and human trafficking organizations. (*See* HSI HB 20-01, Asset Forfeiture Handbook, dated January 28, 2020, or as updated.)

8.9.3 Steps to Take for Financial Investigation of Human Traffickers

(b) (7)(E)

(b) (7)(E)



8.10 Drug Trafficking Offenses

In recent years, HSI has seen an increase in cases where traffickers either target victims addicted to drugs or create that addiction in their victims, then control access to the drugs, sometimes even to the point where the victims suffer from withdrawal, as a form of coercion that compels them to work or engage in commercial sex. Drug offenses can result in mandatory minimum sentences depending on the type and quantity of the substance.

Most relevant are 21 U.S.C. §§ 841 (Distribution of and Possession with Intent to Distribute a Controlled Substance), 844 (Simple Possession of a Controlled Substance), 846 (Attempt and Conspiracy), and 856 (Maintaining a Drug Controlled Premises).

SAs should (b) (7)(E)

8.11 Obstruction

Human traffickers threaten physical violence, restraint, arrest, and deportation, and many other serious harms to victims or their family members during the course of the crime. (b) (7)(E)

(b) (7)(E)

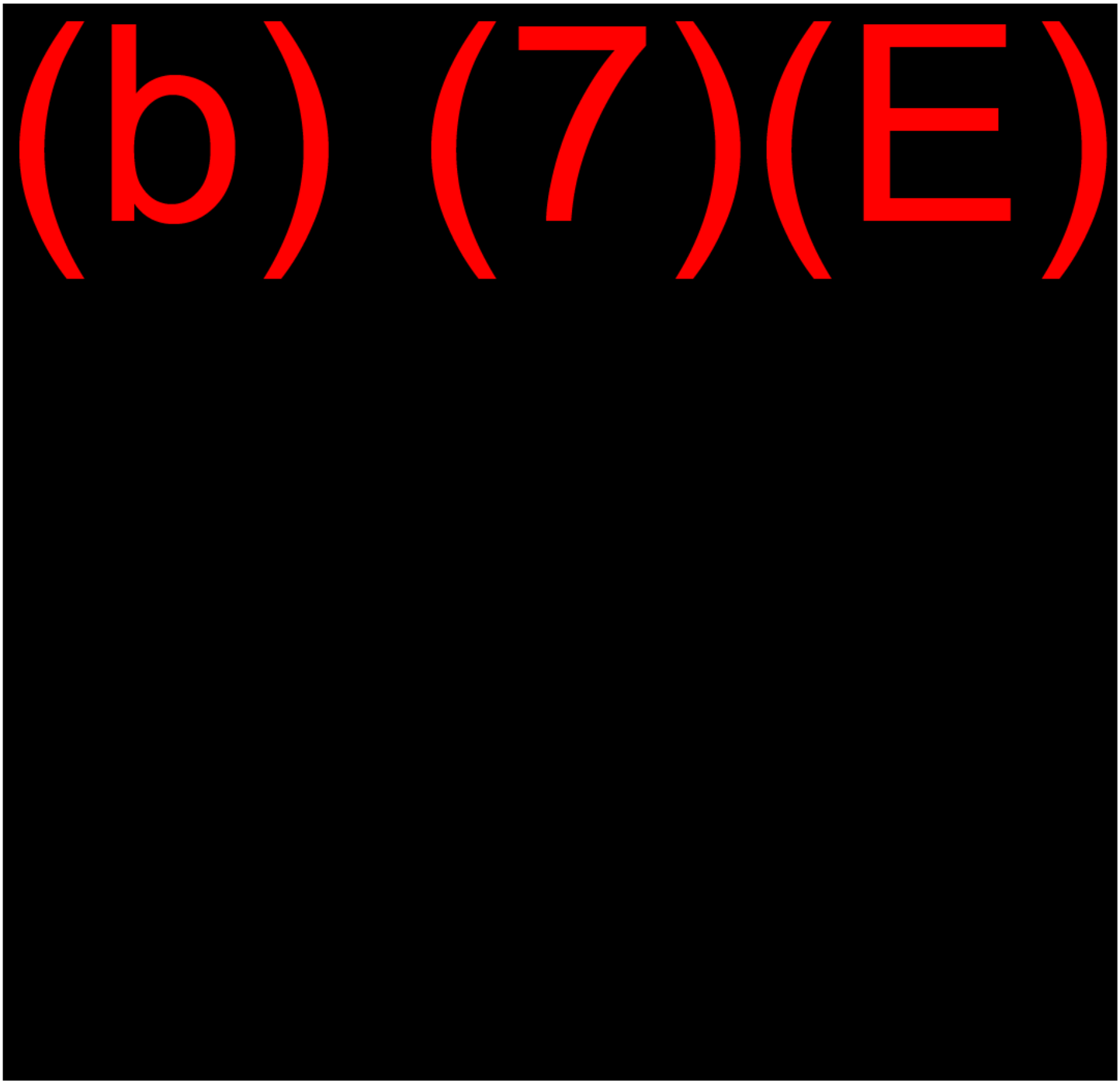
18 U.S.C. § 1512 (Tampering with a Witness, Victim or an Informant) is an option. However, § 1591(d) is obstruction specific to sex trafficking with a 25-year maximum sentence with the added benefit that a trafficker's associates who engage in obstruction become criminally liable under the sex trafficking statute even if they were not involved in the trafficking itself. Additionally, § 1591(d) can be used (b) (7)(E)

The document misconduct statutes, 18 U.S.C. § 1592 (Unlawful Conduct with Respect to Documents in Furtherance of Forced Labor) and § 1597 (Unlawful Conduct with Respect to Immigration Documents), also contain obstruction provisions.

8.12 Common Defenses to Refute with Evidence

Below are the most common defenses raised in human trafficking cases (b) (7)(E)
(b) (7)(E) SAs (b) (7)(E)
(b) (7)(E)

(b) (7)(E)



8.13 If Criminal Justice System Options Are Exhausted – Alternative Means of Justice

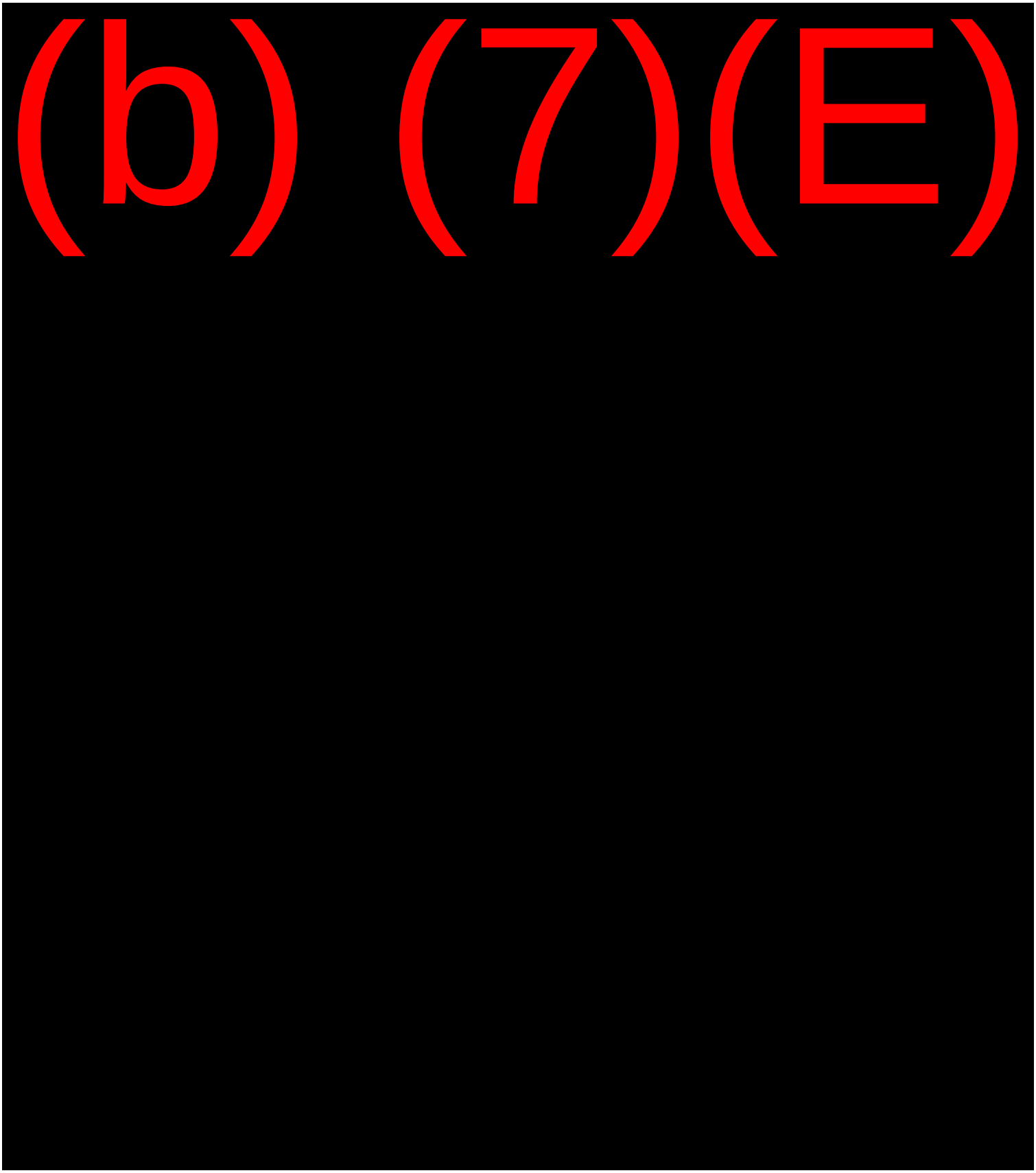
Some trafficking cases cannot be prosecuted due to insufficient available evidence to meet the high burden of proof or for other reasons. Without criminal justice, there may be continuing violations, abuses, and wage theft occurring to other victims. Additionally, traffickers may feel emboldened when one case does not go forward. Therefore, seeking alternative forms of justice can still help to disrupt and dismantle human trafficking.

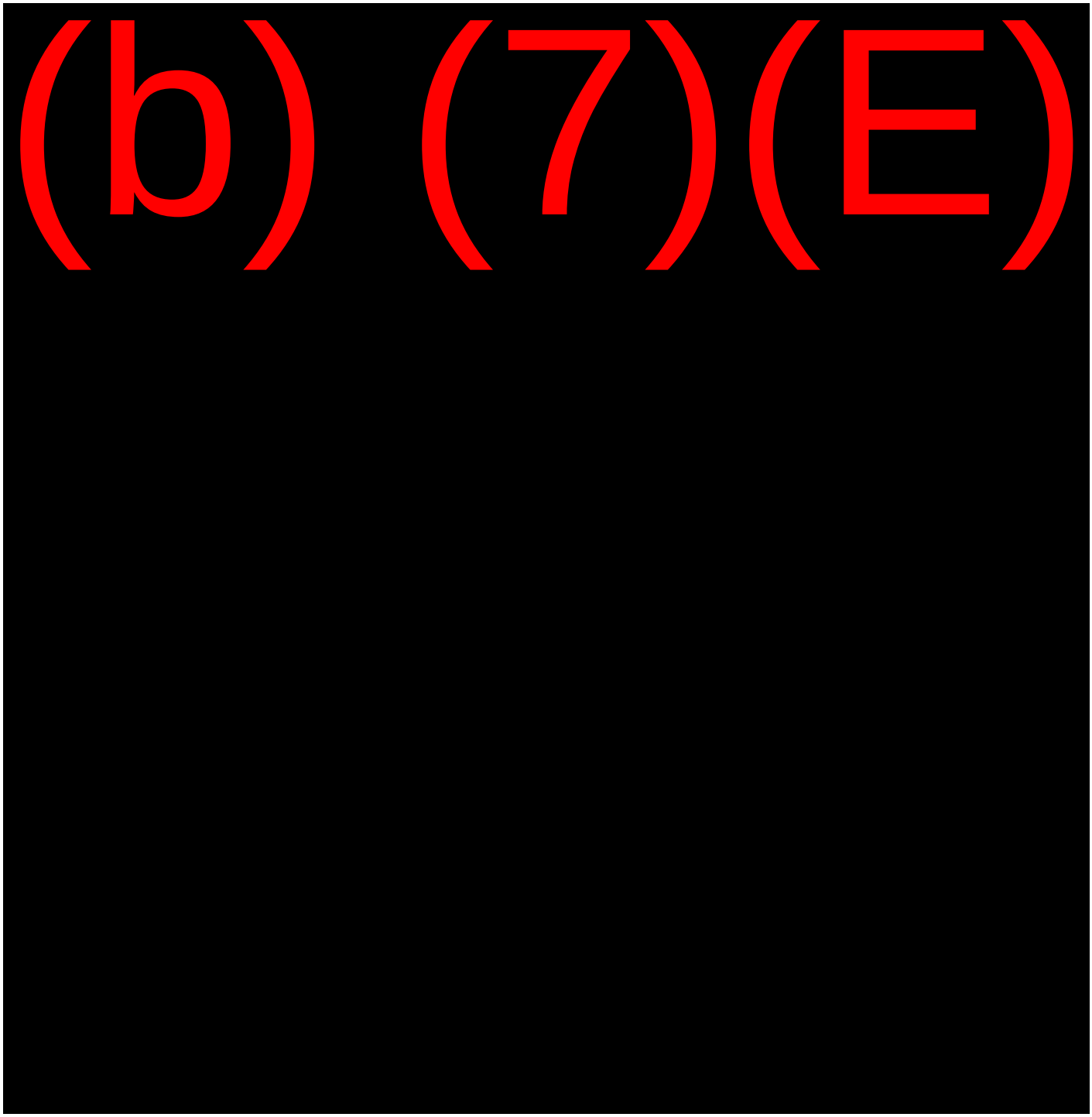
In such cases, consider (b) (7)(E)

(b) (7)(E)

Chapter 9. HUMAN TRAFFICKING INVESTIGATIVE GUIDANCE

(b) (7)(E)


(b) (7)(E)



9.5 Connect with NGOs Providing Trafficking Victim Services

DOJ and HHS fund organizations to provide outreach and comprehensive services to human trafficking victims. The lists of grantees are publicly available online. These service providers are often highly connected to many of the community partners SAs are seeking out, because these service providers are looking for referrals of trafficking victims and make referrals for victims in need of service as well.

NGOs are organizations that are not a part of a federal, state, or local government. For the purposes of HSI, NGOs are generally organizations or agencies that provide one or more social services to trafficking survivors and victims of other crimes. These service providers have an important role in the stabilization and long-term recovery of trafficking victims, building trust, and often provide access to the following short-term and long-term services. Short-term services include, but are not limited to, shelter, food, clothing, medical care, and dental care. Long-term services include, but are not limited to, mental health, English language training, job skill training, mentoring, and case management.

NGOs also provide or work with partner agencies that can provide immigration advocacy and legal services to trafficking victims, which is a critical resource for victims who pursue civil cases and/or T or U nonimmigrant status. Immigration attorneys can be a great source for leads, especially forced labor. Many NGOs are community organizations, faith-based organizations, or agencies whose primary mission is to provide assistance to victims of domestic abuse or sexual assault. Since there is no organization with the capacity to meet the wide range of trafficking victims' needs single-handedly, NGOs usually work in collaboration with counterparts in a task force model. It should be noted that, while most trafficking victim service agencies are NGOs, there are many public agencies, especially at the local level, that also provide direct services to trafficking victims.

SAs are required to inform an HSI VAS of any identified crime victims so that, as required by law, the victims can be provided referrals for services and information regarding their rights. VASs necessarily have contacts throughout the community to facilitate these referrals. VASs possess specialized knowledge, experience, and skills pertaining to the dynamics and impact of victimization; triage and assess the needs of victims and families; and tailor and manage a range of support services in the community while effectively communicating with the investigative team.

(Note: (b) (7)(E) [redacted]

9.6 National Sources of Leads

A. ICE Tip Line: The Tip Line number is 1-866-347-2423. The DHS Blue Campaign conducts a nationwide public awareness campaign on human trafficking to generate calls to the ICE Tip Line as well as the National Human Trafficking Hotline.

B. National Human Trafficking Hotline: 1-888-373-7888 is the national, 24-hour human trafficking hotline in the United States. Calls from victims who want to speak to law enforcement are routed to specific contacts within task forces or to other designated agencies for specific AORs. SAs should contact the CCHT Operations Unit if they are not aware of who receives these leads in their AOR. Not all calls to the hotline

are from victims; callers also request general information about human trafficking as well as training and outreach materials.

C. Department of Health & Human Services Referrals of Trafficked Unaccompanied Alien Children: The CCHT Operations Unit receives written summaries from HHS of unaccompanied alien children in its custody who have claimed to have been trafficked in their country of origin, en route to the United States, or within the United States. When HSI has jurisdiction, the summary appears credible, and the minor is willing to be interviewed, the CCHT Operations Unit will forward the summary to the appropriate HSI Human Trafficking Group.

D. National Center for Missing & Exploited Children (NCMEC): The HSI Child Exploitation Investigations Unit has HSI SAs embedded with NCMEC to facilitate HSI leads on child exploitation and child sex trafficking.

9.7 Coordination with the Chief Intelligence Officer

SAs are encouraged to coordinate early with the Chief Intelligence Officer (CIO) in the affected AOR(s). Human trafficking routinely entails an international nexus and domestically involves more than one AOR. Due to the complexity and multiple jurisdictions that can be involved in human trafficking cases, this coordination allows HSI CAs from multiple AORs to collaborate and focus their own collection capabilities, as well as those of the related fusion centers, to efficiently identify trafficking network(s) and victims.

The CIO will ensure(b) (7)(E)

(b) (7)(E)

CAs can consult with the CCHT Intelligence Section and the HSI Office of Intelligence at HQ for higher-level research and coordination, as needed.

9.8 Partnerships with the Adult Entertainment Industry Are Prohibited

HSI conducts community outreach and training sessions pertaining to human trafficking in order to generate leads. SAs are advised to conduct these outreach events and training sessions in neutral community settings and to avoid adult entertainment establishments as training venues. Club owners, dancers, and other employees of such establishments can be invited to these neutral venues. SAs are also advised to pay attention to the description of these training efforts and invitations to avoid any appearance of a partnership or support to the adult entertainment

industry. The Abolish Human Trafficking Act of 2017 prohibits federal funds or resources being used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that has the primary purpose of providing adult entertainment and derives profits from the commercial sex trade. Pub.L.No 115-392, § 19.

9.9 Collect Evidence Without Needing a Testifying Victim

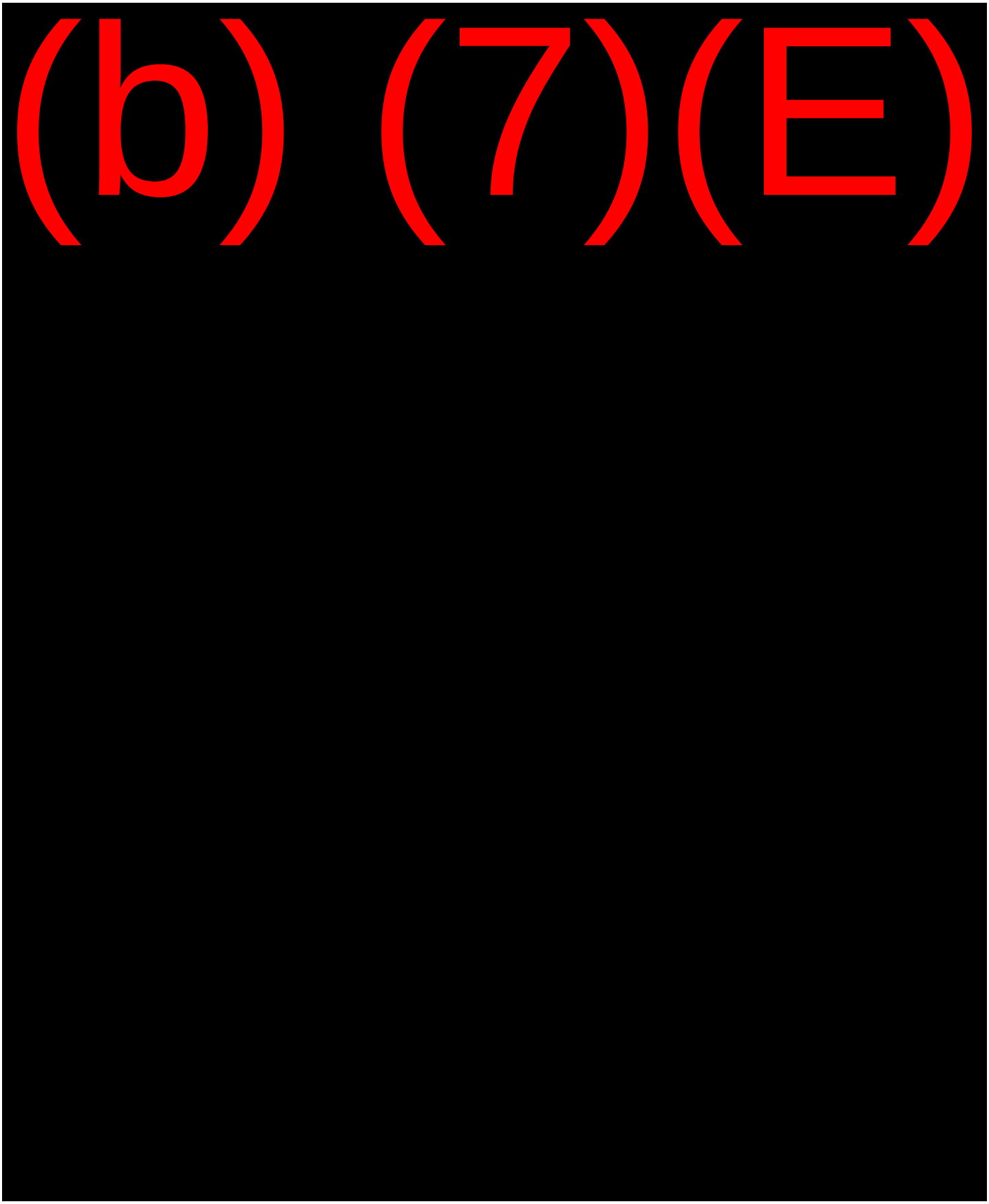
Some victims may be too traumatized to fully cooperate or testify and some may be retraumatized by testifying. (b) (7)(E)

(b) (7)(E)

9.10 Responding to Trafficking Victims' Leads

The critical first steps in pursuing any human trafficking lead are the immediate removal of any identified or potential victims from dangerous situations and the swift determination of any human trafficking indicators. When HSI receives a lead involving a potential human trafficking case or victim, SAs will proceed as follows:

(b) (7)(E)


(b) (7)(E)

(Note: For further guidance and requirements, *see* the TVPRA and "The Interagency Memorandum of Understanding Between the Department of Health and Human Services, the Department of Homeland Security, and the Department of Justice," dated July 12, 2004, or as updated.)

Chapter 10. SUPPORTING THE VICTIM WITNESS

10.1 Consider the Victim's Experience – Be Trauma-Informed

Unlike other crimes that HSI investigates, human trafficking involves identifying and working closely with highly traumatized victims. The success of the human trafficking case often directly correlates with the level of trust SAs establish with the victim(s).

Establishing that trust starts with being trauma-informed. In other words, SAs need to learn more about what victims endure while being trafficked and then consider the physical, emotional, developmental, and social impact that it takes. Traffickers purposefully inflict physical and sexual abuse, create distrust of government and law enforcement, take away all control that victims have in their life, threaten to harm loved ones, threaten to financially and reputationally ruin their victims, break every promise, and break them down emotionally to become dependent and compliant.

Therefore, if SAs are the first to respond to a trafficking lead and are going into a location to identify and recover potential victims, they may not be greeted with open arms. Instead, SAs have to prepare themselves to meet victims who may be silent, aggressive, hostile, confused, afraid, suspicious, mistrustful, or under the influence of drugs and/or alcohol. They may feel loyalty to the trafficker and not recognize that they are victims to the point that they return or want to return to the trafficker, similar to the cycle of domestic violence. They may only state what the trafficker told them to say and only later, after feeling safe, begin to divulge what has really happened. They may be in total disbelief that anyone can or will help, because the last person to promise that was the trafficker. These responses should not be interpreted as lack of cooperation, but instead as the natural symptoms of fear and potential trauma bonding.

To human trafficking victims in that moment, some of their fears are coming true – law enforcement has arrived to take them away – and a lot of unanswered questions arise, like "Is this horrible ordeal over or are you about to make it worse? Who are you? Am I safe? Will the trafficker find me and take me back? Will the trafficker retaliate against me or my family? Where will I stay tonight? Where will my next meal come from? Can I talk to my family? How can I trust these new people? How will I pay my debt? Where will my kids go?"

When these questions about basic safety and survival are the foremost questions on victims' mind, they are often unable to participate in any kind of meaningful interview. A VAS can address many of the victims' immediate needs and questions and ideally an investigative interview should take place once the victims feel safe and stable.

If, however, SAs are meeting with a victim who has been referred by an NGO, there is some level of services and stabilization that has already occurred. When SAs have good relationships with their local NGOs, the service provider has likely already provided some assurances to the victim that this is a safe meeting. However, the interview will raise questions, fears, and concerns as well as potentially introduce new ones. Victims may have lingering fears of arrest or deportation, may not understand the U.S. criminal justice system and their role in it, and may feel that they have no control over any of it. Interview questions about the most difficult moments of the trafficking will invariably force the victims to remember and relive those terrible moments. For these reasons, HSI has outlined promising practices to conducting a trauma-informed interview and to minimize retraumatization as much as possible while also working toward a successful investigation.

Being trauma-informed ultimately means that, before every encounter with victims, HSI personnel need to consider how to best accommodate them due to their traumatic experience, as well as how to empower them, provide them with choices and control, ensure that their safety and basic needs are met, collaborate with them, and demonstrate that they can trust HSI.

10.2 Engage HSI Victim Assistance Personnel Immediately

Engaging federal victim assistance personnel is not only part of a trauma-informed approach, but it also ensures that HSI meets its federal mandate to provide required information and referrals to victims as soon as possible. SAs need to know the VAS and VAC assigned to the AOR and be prepared to bring them to any potential encounters with victims.

VASs and VACs provide direct support and assistance to victims when they are encountered by HSI. VASs and VACs are responsible for ensuring that victims are aware of their rights as federal crime victims under the TVPA and also for making referrals for any services. Due to the extent of trauma traffickers inflict, trafficking victims can require comprehensive services for which local NGOs are funded to provide. VASs and VACs can therefore reach out to the local network immediately to secure emergency, short-term, and long-term services that serve to stabilize the victim. VASs may also assist SAs with preparing the CP request.

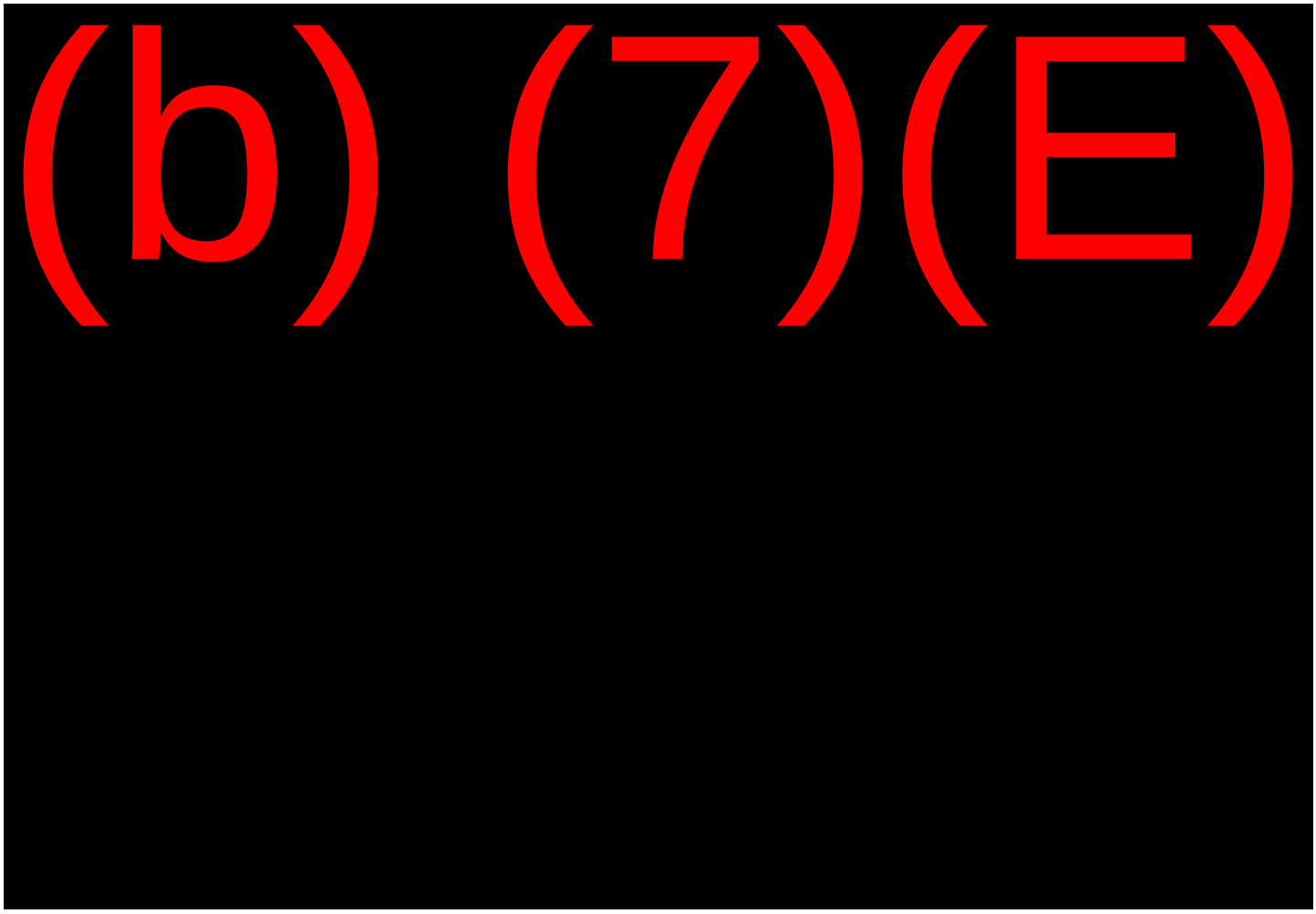
VASs are trained on crisis mitigation and de-escalation techniques and can build rapport with victims in order for them to willingly participate with the investigation and provide on-scene emotional support, follow-up contact, information and referrals, and safety planning.

The sooner a VAS or VAC can build rapport, begin to answer victims' questions and make referrals for services, the sooner the victims feel safe and their basic needs are being met, the sooner they will be ready to be interviewed and participate in the investigation.

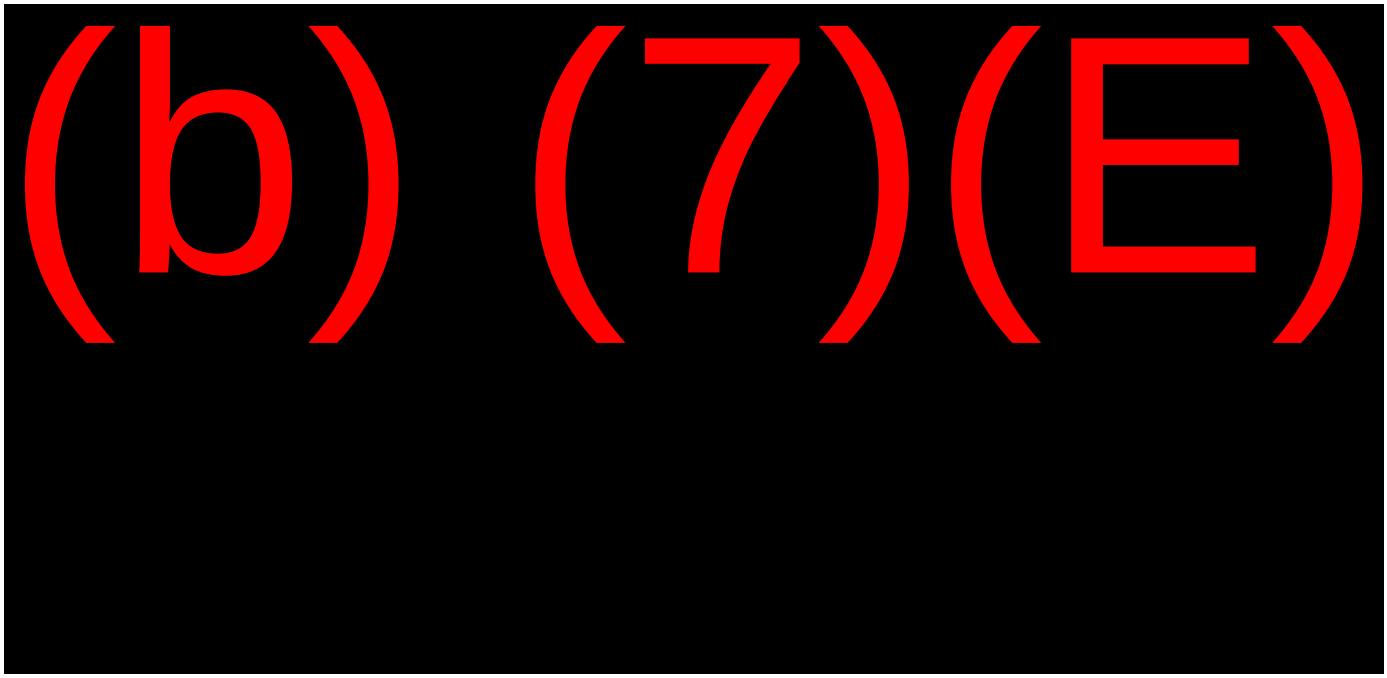
10.3 Employ Promising Practices for Trauma-Informed Victim Interviews

When conducting an interview of a potential human trafficking victim, SAs should consider the following tips which may be helpful in the identification of human trafficking and in advancing an investigation. A list of suggested questions can be found in Appendix A.

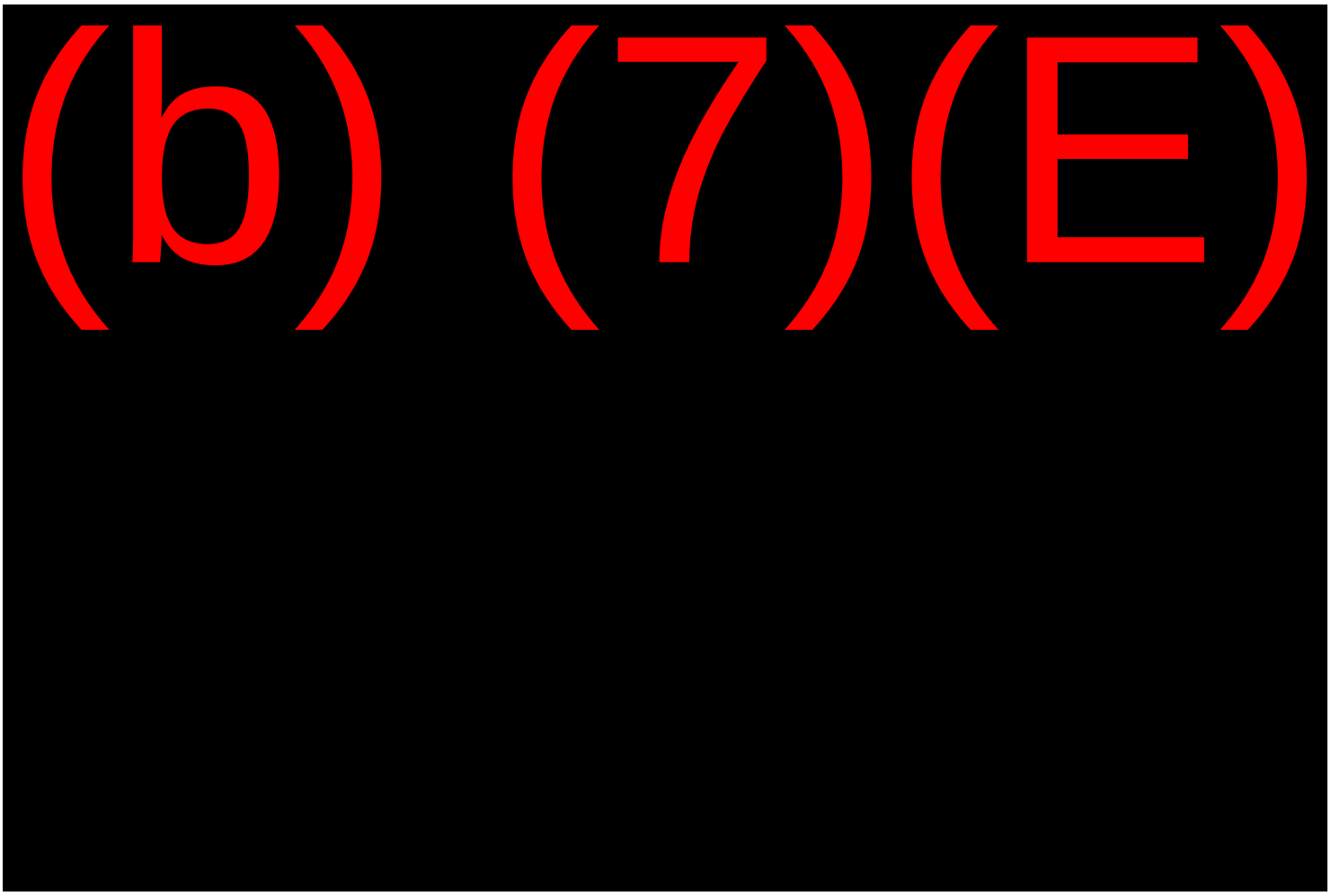
In preparing for the interview, SAs should:

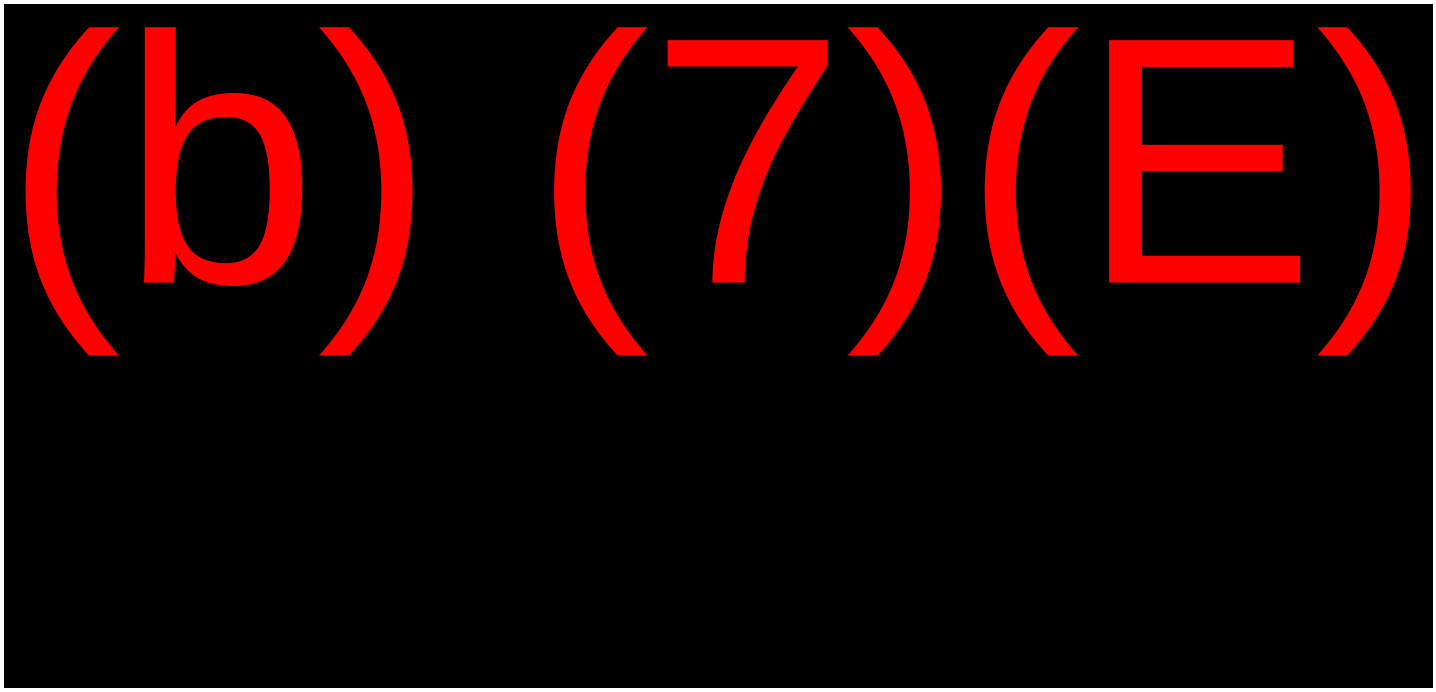


At the outset of the interview, SAs should:



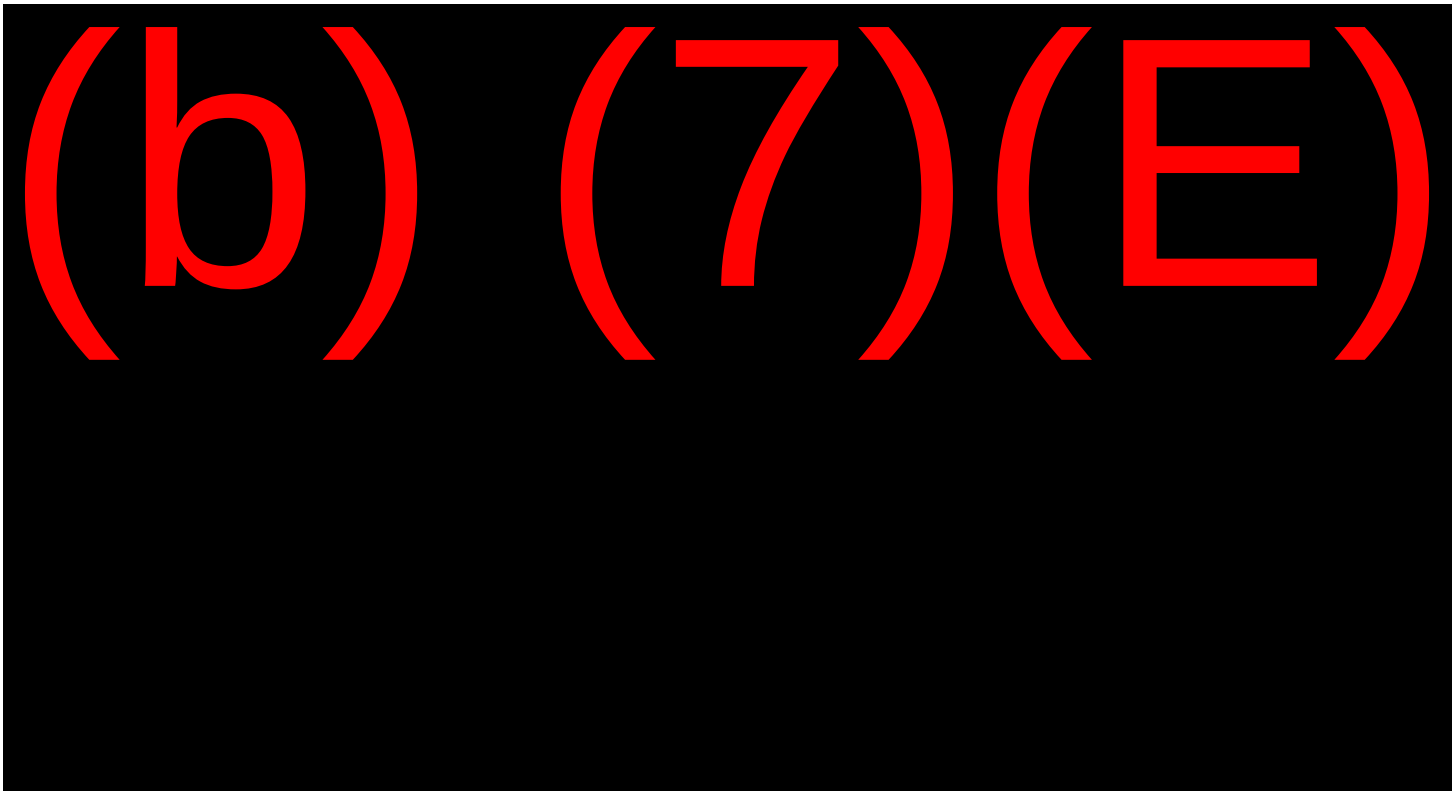
During the interview, SAs should:





10.4 Use Professional Interpreters

The quality of interpretation is critical to the investigation. Mistrials have occurred because of errors in interpretation. SAs should use trained, certified, professional interpreters. Consider these practices to help minimize any issues with interpretation:



(b) (7)(E)

10.5 (b) (7)(E)

(b) (7)(E)

10.6 Identification Alone Is a Success

As outlined in Section 9.10 regarding responding to leads about potential victims, immediately recovering juveniles and immediately recovering victims from dangerous situations is paramount. The identification of any victim, even if an investigation cannot go forward after the victim's recovery, is a success. This follows HSI's victim-centered approach. SAs should

(b) (7)(E)

10.7 Make Reasonable Efforts to Protect Victims' Safety

Per the TVPA, while investigating and prosecuting suspected traffickers, federal law enforcement officials "shall endeavor to make reasonable efforts to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates." 22 U.S.C. § 7105(c)(3)(A)(ii). This may include requesting SPBP for family members and consideration for witness security.

10.8 Avoid Issuing Notices to Appear to Victims

Absent compelling circumstances, such as a serious criminal background unrelated to any

(b) (7)(E)

(b) (7)(E) This practice is consistent with the TVPA and its subsequent

reauthorizations, that human trafficking "victims should not be inappropriately incarcerated, fined or otherwise penalized for unlawful acts committed as a result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation." Pub. L. No. 106-386, § 102(b)(19), 114 Stat. 1464.

Should a victim initially be misidentified or inadvertently charged, SAs (b) (7)(E) (*See* Chapter 12, Reporting and Case Management, for further instructions.)

10.9 Immigration Benefits and Options

HSI conducts hundreds of human trafficking investigations annually and therefore has significant law enforcement interest in trafficking victims and potential witnesses remaining in the United States through the investigation and prosecution. Immigrants can be particularly vulnerable to human trafficking due to a variety of factors, including, but not limited to, language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.

Congress created CP, the T visa, and the U visa out of recognition that human trafficking victims without legal status may otherwise be reluctant to help in the investigation or prosecution. Human trafficking victims are therefore statutorily eligible for immigration and other benefits under the law to strengthen the ability of LEAs to investigate and prosecute serious crimes and human trafficking while offering protections to victims without the immediate risk of being removed from the country.

10.9.1 Continued Presence

It is the policy of HSI to request CP (defined in Section 3.4) for victims of a severe form of human trafficking, who may be potential witnesses, as early and expeditiously as practicable, which is consistent with HSI's victim-centered approach. Timing is important for the investigation as well as the stabilization of the victim. (Note: Only law enforcement may request CP.)

(b) (7)(E)

(b) (7)(E)

CP is authorized for two years with work authorization. Extensions are authorized in increments of up to two additional years. The longer duration helps victims maintain their jobs and benefits without interruption. Extension requests must be submitted at least 60 calendar days prior to expiration. This allows sufficient processing time so that a victim's Form I-94 and work permit do not expire before new documents are issued.

(b) (7)(E) Only CP recipients are eligible to receive specific public benefits for trafficking victims and work authorization without a fee. Those benefits include, but are not limited to, mental health services, health care assistance, housing or shelter assistance, food assistance, income assistance, employment assistance, and English language training. (*See* HSI Directive 21-03, Continued Presence, dated February 24, 2021, or as updated.)

HSI maintains a brochure and a 12-minute video training on CP available on the Blue Campaign website which should be distributed widely. The routine use of CP engenders trust with service providers and organizations who may be a source of referrals for law enforcement and reassurance that victims will be protected if they come forward. Ultimately, this increases law enforcement's ability to identify even more victims and traffickers.

(Note: All information about a Continued Presence recipient is protected under 8 U.S.C. § 1367.)

10.9.2 Significant Public Benefit Parole for Family Members

SAs may request SPBP for a CP recipient's family members if the alien is:

A. under 21, then any family member who is the spouse, child, parent, or unmarried sibling (under 18 years of age);

B. 21 or over, then any family member who is the spouse or child.

Family support can be critical to victims participating in an investigation and/or prosecution.

Additionally, as traffickers often make threats against family members in the home country and may carry them out in retaliation, SAs should request SPBP for the CP recipient's parent(s) or sibling(s) who are in present danger due to the victim's escape from trafficking or cooperation with law enforcement (irrespective of the age of the victim). (*See* HSI Directive 21-03, Continued Presence, dated February 24, 2021, or as updated.)

10.9.3 T Visa

The T visa is an immigration benefit for which human trafficking victims self-petition to USCIS, and that law enforcement, including HSI, may support by completing a supplementary form certifying the applicant's status as a human trafficking victim. If the individual requesting that HSI sign a T visa declaration is a victim of human trafficking and has complied with reasonable requests for assistance from HSI in the investigation, the Group Supervisor of the investigating SA and Responsible Official *shall* complete and sign the T visa declaration (USCIS Form I-914 Supplement B). (*See* HSI HB 18-01, T Nonimmigrant Status (T Visa) Handbook, dated January 13, 2018, or as updated.)

An individual is eligible for a T visa if the victim:

A. Is or was a victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law;

B. Is physically present in the United States (defined as the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands), American Samoa, or at a U.S. port of entry due to trafficking;

C. Has complied with any reasonable request from an LEA for assistance in the investigation or prosecution of human trafficking *unless the victim is under age 18 or is unable to cooperate due to physical or mental trauma*;

D. Would suffer extreme hardship involving unusual and severe harm if removed from the United States; and

E. Is admissible to the United States or is granted a waiver of inadmissibility. 8 U.S.C. § 1101(a)(15(T)(i)

A formal investigation or prosecution is not required to complete a T visa declaration, nor is there any requirement to wait until the conclusion of an investigation or prosecution. Withholding a T visa declaration until an investigation or prosecution is complete is not in keeping with a victim-centered approach. If CP terminates with the conclusion of the investigation or prosecution and the T visa application is yet to be adjudicated, the victim will be at risk of removal. (*See* HSI HB 18-01, T Nonimmigrant Status (T Visa) Handbook, dated January 13, 2018, or as updated.)

(Note: All information about a Continued Presence recipient is protected under 8 U.S.C. § 1367.)

10.9.4 U Visa

The U visa is an immigration benefit for which victims of certain crimes apply to USCIS, and that law enforcement, including HSI, may support by completing a supplementary form certifying the victims' status as crime victims. An individual is eligible for a U visa if the victim:

A. Is the direct or indirect victim of qualifying criminal activity;

B. Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;

C. Has information about the criminal activity;

D. Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity; and

E. Is admissible to the United States or is granted a waiver of inadmissibility. 8 U.S.C. § 1101(a)(15)(U)

(*See* HSI HB 18-06, U Nonimmigrant Status (U Visa) Handbook, dated September 21, 2018, or as updated.)

(Note: All information about a Continued Presence recipient is protected under 8 U.S.C. § 1367.)

10.9.5 Coordinate with ERO if Potential Victims Are in Custody

SAs should coordinate with ERO to interview a potential victim in ICE custody. It is suggested that SAs bring CP request paperwork to complete at the conclusion of the interview if any next steps will be taken to investigate. SAs should also work with OPLA and the ERO Field Office Director to secure the victim's release from detention and a stay of removal until CP is authorized.

10.9.6 Coordinate with OPLA if Potential Victims Are in Removal Proceedings

SAs should coordinate with OPLA regarding any potential or confirmed victim in an HSI trafficking investigation to ensure that the victim is not removed or concerned about removal proceedings, either of which would interfere with the criminal investigation. SAs must inform OPLA if HSI has requested CP or signed a T visa declaration or a U visa certification so that proceedings may be handled accordingly.

Chapter 11. LAW ENFORCEMENT PARTNERSHIPS

The most effective way to investigate human trafficking is through a collaborative, multi-agency approach with HSI's federal, state, local, and tribal partners.

11.1 Human Trafficking Task Forces

HSI participates in more than 100 human trafficking task forces comprised of federal, state, local, and tribal LEAs with many also including NGOs. Some of these task forces are funded by DOJ's BJA. Most task forces have the USAO as the lead, create protocols to determine which cases go to which LEA, and designate service providers available to assist victims. These task forces serve as a primary network to receive leads, assist in planning local operations, and facilitate the acceptance of cases by the USAO.

Funded task forces have focused on implementing collaborative approaches to combat all forms of human trafficking – sex trafficking and labor trafficking – of foreign nationals and U.S. citizens (of all sexes and ages) within the United States. Funding through this program is intended to assist communities in developing effective and sustainable multidisciplinary task forces that will implement victim-centered and coordinated approaches to identifying victims of all types of human trafficking, addressing the individualized needs of victims through quality services, and investigating and prosecuting human trafficking cases at the local, state, tribal, and federal levels.

11.2 Anti-Trafficking Coordination Teams

The Anti-Trafficking Coordination Team (ACTeam) Initiative is a collaborative effort of HSI, DOJ, DOL, and the FBI. Through this initiative, interagency teams of federal agents and federal prosecutors are convened in select districts, designated through a competitive, nationwide, interagency selection process to develop high-impact human trafficking investigations and prosecutions involving forced labor, sex trafficking of adults, and international sex trafficking. ACTeams coordinate closely with each agency's specialized anti-trafficking subject matter experts to develop and implement joint strategic enforcement plans and participate in intensive advanced human trafficking training programs.

11.3 U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative

Mexico is the country of origin of the largest number of foreign-born human trafficking victims identified in the United States. Since 2009, DOJ and DHS have collaborated with Mexican law enforcement counterparts to more effectively dismantle human trafficking networks operating across the U.S.-Mexico border. The United States and Mexico exchange leads and intelligence to strengthen investigations and prosecutions, bring human traffickers to justice, restore the rights and dignity of human trafficking victims, recover victims' children from the traffickers, and engage in high-impact prosecutions on both sides of the border. These efforts have resulted in successful prosecutions in both Mexico and the United States, including U.S. federal prosecutions of more than 170 defendants in cases in Georgia, New York, Florida, and Texas, in

addition to numerous federal and state prosecutions in Mexico of associated sex traffickers. More than 200 victims have been identified and assisted and more than 20 victims' children have been recovered from the traffickers' control.

This initiative is coordinated primarily between the CCHT Operations Unit and DOJ's HTPU. SAs should contact the CCHT Operations Unit if they identify a complex cross-border case specific to Mexico.

Chapter 12. REPORTING AND CASE MANAGEMENT

12.1 ICM Case Category and Sub-Categories

In ICM, human trafficking investigations are documented as (b) (7)(E) Because this case category is also linked to human smuggling, the subcategory codes listed below must be used to further classify each human trafficking case.

SUB-CATEGORY	DESCRIPTION	APPLICATION
(b) (7)(E)		

12.2 ICM Program Codes

The Operational Systems Development and Management Unit in Cyber and Operational Technology has created Program Codes for all HSI programmatic areas. To ensure accuracy of reporting, it is imperative that SAs use the proper ICM Program Codes when creating cases, ROIs, and Incident Reports. The primary program code under this category is (b) (7)(E) for human trafficking investigations. Along with the primary human trafficking program code, the human trafficking secondary codes listed below shall be used to further classify each case.

PROGRAM CODE	DESCRIPTION	APPLICATION
(b) (7)(E)		

12.3 Multiple Program Codes

SAs should be aware that human trafficking cases sometimes cross over into other program areas (e.g., Labor Exploitation, Identity and Benefit Fraud, etc.) and the secondary program codes for these areas should therefore be utilized in addition to the (b) (7)(E) primary program code.

12.4 Significant Case Report (b) (7)(E)

A Significant Case Report (SCR) allows HSI to identify, categorize, and report on investigations that target the greatest threats facing the homeland while also documenting HSI's commitment to disrupt and dismantle criminal organizations involved in human trafficking. As investigations progress, SAs should remain cognizant of the SCR criteria contained in HSI HB 22-01, Significant Case Report Handbook, dated January 3, 2022, or as updated, for a "Significant Investigation" and make every effort to complete an SCR submission at the earliest possible time. Initially, a SAC office requesting approval should coordinate with Domestic Operations for review and approval, including that of the Assistant Director for Domestic Operations. Once that occurs, SAs should enter the submission into the (b) (7)(E) by utilizing the appropriate (b) (7)(E) relevant to any human trafficking violations. After the SCR submission is approved by the Group Supervisor, the SAC, and the HQ SCR Panel, SAs will be able to post significant enforcement actions (b) (7)(E) (b) (7)(E) as defined in the Significant Case Report Handbook. (Note: The Significant Case Report Handbook is updated frequently. SAs should make sure that they consult the latest version.)

12.5 Human Trafficking Investigations and Victim Statistics

The CCHT Operations Unit routinely provides HSI statistical reporting regarding human trafficking enforcement and victim identification to ICE executive leadership and to all levels of the Executive and Legislative branches of the U.S. Government. Therefore, it is critical that SAs ensure that the information and coding used in ICM are accurate. Failure to ensure statistical integrity negatively impacts HSI's appropriations and performance measures, which, in turn, negatively impacts HSI's daily anti-trafficking operations.

12.6 Victim Identification Report of Investigation

SAs must document victims identified during human trafficking investigations in a Victim ROI. All victims identified and/or assisted require their own Victim ROI. Victim reporting in ICM increases the accuracy of statistical reporting of victims identified and/or assisted. It more accurately captures and reflects local, national, and international human trafficking victim data. The Victim ROI shall be completed when assisting state and local law enforcement in human trafficking investigations as well. Managers should note that the victim count should be present on (b) (7)(E) VASs should continue to track their victim assistance activity and report that information to VAP.

(Note: While the Victim ROI should be completed when assisting state and local law enforcement, HSI is obligated by law to provide information and services to any victim identified as part of an HSI investigation. Therefore, the number of Victim ROIs will be higher than the number of victims assisted by HSI VASs.)

12.7 Obtain an A-File Without a Notice to Appear

SAs should obtain a blank A-file from their designated A-file custodian or request a small supply from the local USCIS office to keep on hand. SAs can then use this A number on ICE Form 73-031, Request for Continued Presence. SAs should keep the CP paperwork (b) (7)(E)

[redacted]

12.8 Amend Charges for Inadvertent Victim Arrests

As previously discussed, SAs should avoid arresting any known or suspected human trafficking victim. If an individual who has already been charged is later determined to be a victim, SAs should amend the charge as (b) (7)(E) before the case is closed. SAs should send an email (b) (7)(E)

[redacted]

This practice is consistent with HSI's victim-centered approach to human trafficking. Trafficking victims can face difficulty in obtaining employment because of inadvertent arrests or administrative charges related to their trafficking victimization that appear when a prospective employer conducts a background check. This could happen for recent victims as well as those whose cases closed long ago.

Chapter 13. PUBLIC AFFAIRS AND TRAINING GUIDANCE

The Public Affairs Subcommittee of the Senior Policy Operating Group to Monitor and Combat Trafficking in Persons developed the following guidance for public affairs officers governmentwide as well as anyone developing outreach materials and training.

13.1 Messages

A. Messages should:

1) Be tailored based on the goals, audience, and method of delivery. Stick to plain language guidelines. While messages will vary based on the outlet, it is helpful to keep them simple, both in length and complexity.

2) Be quick and concise. Easily grab the audience's attention and tell the audience where to find more information. Use one reliable statistic or relatable story and ask the reader to complete one simple action or step to not overload the target audience with too much information.

3) Use simple syntax and vocabulary for the message to be widely accessible. While retaining simplicity, it is important to have a factual message that avoids misconceptions about human trafficking.

4) Contain a clear request. Ask the audience to complete one simple action or step, such as calling a hotline number when suspecting a trafficking situation or learning more about human trafficking by visiting a specific website. This is more effective than asking for three different actions because it focuses the audience's attention. The request should align with the goal of the campaign or materials.

B. Victim-centered and trauma-informed messaging:

1) Is empowering and hopeful.

2) Avoids retraumatization.

3) Supports victims' rights, dignity, autonomy, and self-determination.

4) Uses positive framing, which can elicit a positive response from the audience and encourage action.

5) Highlights a human trafficking hotline, service program, or a law enforcement reporting mechanism to demonstrate that there is assistance available for trafficking victims. It is helpful to also include an option to send a text message because victims may be unable to make a call or stay on the phone long enough to make a report.

6) Uses brighter colors and positive images to show that there is help available for victims of trafficking.

C. When creating a message, SAs should consider engaging survivors as participants in the process. When engaging survivors, SAs should:

1) Get permission first. It is a survivor's decision to participate in any outreach, marketing, social media, or publicity efforts. Publishing a survivor's name or story without informed consent could compromise the survivor's safety and well-being. Photos or names of human trafficking survivors should not be published without their consent and they should be informed in advance of how they will be used.

2) Consider survivors' expertise and strengths as well as the length of time out of their trafficking situation. SAs should start with survivors who are already active and established as advocates.

3) Consult survivors throughout the development of the campaign/messaging content to ensure that the message can be effective in reaching victims and in delivering an accurate message of the reality of human trafficking to the broader community.

4) Incorporate various human trafficking survivor perspectives (e.g., sex and labor trafficking, foreign national, and U.S. citizen or LPR survivors).

5) Allow survivors to shape their stories in their own way by using open-ended questions (e.g., "What would you want this audience to understand about human trafficking?").

6) Be clear with survivors about next steps and the projected timeline of the project to help manage expectations.

13.2 Images

A. Images should:

1) Be victim-centered and promote an accurate understanding of human trafficking. Images can draw connections in the audience's mind that are both intended and unintended. They project an understanding of what a victim may look like. If all sex trafficking campaigns depict child victims, for instance, audiences may not realize that adults can be victims of sex trafficking.

2) Be tailored to the demographics of the target audience to ensure that the message is relatable. Images should have backgrounds/scenes that can be easily recognized, such as a city skyline or a key landmark.

3) Represent the wide spectrum of human trafficking victims – individuals of all races, ethnicities, and ages.

4) Show examples of what someone in the general public might encounter and encourage an appropriate reporting mechanism such as the ICE Tip Line and the National Human Trafficking Hotline. It is important to encourage the general public to get help rather than take independent action.

5) Highlight the ways traffickers recruit victims. For example, consider showcasing social media or cell phones as tools used by traffickers.

B. Avoid images that:

1) Display physical abuse. These types of images can be dehumanizing or objectifying and depict victims merely as objects or subjects of violence. They can also be retraumatizing to audience members who may be victims of crime.

2) Reinforce misconceptions about human trafficking. Human trafficking is a complex crime that takes many forms. Images that only rely on the most violent examples, like those depicting victims of trafficking in chains, behind bars, or in handcuffs, can promote the common perception that victims of trafficking must be physically restrained and ignore the subtle forms of coercion that can be used for exploitation.

3) Sensationalize the issue for shock value to draw the audience's attention. Examples of these types of images include those of scantily clad women on the street, highly dramatic kidnapping scenes, or children sobbing.

4) Fail to comply with stock photo terms of use.

13.3 Statistics

Use the following sources for global and national statistics:

A. The International Labour Organization and the Walk Free Foundation, in partnership with the International Organization for Migration, released *Global Estimates of Modern Slavery* in September 2017. This report estimates that, at any given time in 2016, approximately 25 million people were in forced labor. This figure comprises 16 million people exploited in the private sector (such as domestic work, construction, or agriculture), 4.8 million persons in forced sexual exploitation, and 4 million persons in state-imposed forced labor. This recent estimate generally reflects what the U.S. Government considers to be covered by the umbrella term "human trafficking," and thus agencies can consider citing this number (as of the date of issuance of this Handbook) as the best estimate of the number of victims of human trafficking in the world at any given time. (It should be noted that the report estimates are higher because they include forced marriage which is not recognized as human trafficking under U.S. law.)

B. The *National Human Trafficking Hotline (1-888-373-7888)* maintains one of the most extensive data sets on the issue of human trafficking in the United States. The statistics on its website at https://humantraffickinghotline.org/states are based on aggregated information received through phone calls, emails, and online tips shared via the Hotline. The Hotline is operated 24 hours a day, seven days a week, and has access to over 200 languages through a tele-interpreting service. The Hotline maintains a referral network of over 3,200 referral contacts, including anti-trafficking

organizations, legal service providers, shelters, law enforcement, and local social service agencies that can assist victims of human trafficking.

C. The U.S. narrative in DOS's annual *Trafficking in Persons Report* and the annual *Attorney General's Trafficking in Persons Report* include updated statistics on the following:

1) Number of newly opened investigations, initiated prosecutions, and secured convictions;

2) Number of defendants charged;

3) Funding to task forces and the number of new task forces;

4) Number of Certification Letters to foreign adults and Eligibility Letters to foreign children issued;

5) Funding for victim services and the number of NGOs supported and individuals served through this funding;

6) Number of child trafficking victims assisted through the HHS Unaccompanied Refugee Minors Program;

7) Number of granted T nonimmigrant status and T nonimmigrant derivative status visas; and

8) Number of issued CP and extensions of CP.

13.4 Preferred Language

(b) (7)(E) (b) (7)(E) In professional communications, including outreach, training, press releases, talking points, and other official documents, preferred terms include trafficker, victim, commercial sex act, sex buyer, and child sexual abuse materials.

13.5 Delivering Training

SAs conduct trainings within their AORs as part of a greater outreach strategy to inform individuals, organizations, and agencies who may be a source of leads to HSI. SAs are expected to follow the guidance in this Chapter specific to messages, images, and terminology when

conducting any human trafficking training. Training PowerPoints, videos, and materials are available on the (b) (7)(E) To submit materials for inclusion on (b) (7)(E) SAs should email the CCHT Operations Unit at (b) (7)(E) @ice.dhs.gov.

13.6 Training for Special Agents

New SAs are required to take a one-hour computer-based training on human trafficking prior to the completion of their first year of employment. The course provides an overview of human trafficking, case scenarios, and the appropriate response when an HSI employee encounters a human trafficking situation.

The CCHT Operations Unit offers two Advanced Human Trafficking Investigations Courses a year at the Federal Law Enforcement Training Center (FLETC), subject to the availability of funding. Trainers often include prosecutors from the DOJ HTPU, CCHT Operations Unit, VAP, and OPLA HRVLD. The CCHT Operations Unit will notify Human Trafficking Groups when these courses are being offered. The CCHT Operations Unit provides regional training as requested by field offices.

Also subject to funding, DOJ holds regional human trafficking training events. Task forces will organize internal training as needed. The Freedom Network, a coalition of victim service providers, hosts an annual conference for law enforcement, victim service providers, advocates, and other community groups; the first optional day is a Human Trafficking 101 for law enforcement officers new to the issue. The CCHT Operations Unit will notify Human Trafficking Groups when these courses are being offered.

Chapter 14. FUNDING MECHANISMS

As with any major investigation or project, funding is a critical component in successfully investigating human trafficking. There are many potential funding options available to support human trafficking investigations, all of which should be considered and exploited to optimize the range and impact of investigations.

14.1 SAC Budget

General criminal investigation support is funded at the discretion of the SAC in the respective AOR. Each SAC designates priorities for the SAC office and funding is dispensed accordingly. SAs should consult with local management regarding investigative funding.

14.2 Certified Undercover Operations

All human trafficking-related undercover operations will be conducted in accordance with the policies and procedures provided by the Undercover Operations Handbook (OI HB 08-04), dated April 14, 2008, or as updated. The inclusion of a human trafficking investigation in a certified undercover (CUC) operation may allow for the use of certain funds to facilitate investigation

requirements, including (b) (7)(E) It should be noted that an investigation in one AOR with a nexus to a case in another AOR may be eligible for funding under the SAC's CUC operation.

14.3 Domestic Operations

Domestic Operations has multiple funding mechanisms to assist with investigations, including from the Treasury Executive Office for Asset Forfeiture (TEOAF). Funding availability fluctuates from year to year depending on deposits to TEOAF from previous years. Due to the limited amount of funding HSI receives each year, SAs should keep in mind that there are other potential funding resources available if their investigation qualifies.

State and Local Overtime (SLOT) funds may be used to reimburse certain expenses incurred by local, county, and state LEAs when their members participate in joint operations with HSI or other participating TEOAF agencies. The reimbursable expenses can include overtime, travel, fuel, training, equipment, and/or other related expenses. In order for SLOT to be utilized, a Memorandum of Understanding must first be entered into by the local SAC office and the respective local, county, state, or tribal LEA. Therefore, it is essential that SAs coordinate with their local management early in an investigation to ensure that the required paperwork is completed. SLOT is provided directly to the local HSI office through Domestic Operations.

Domestic Operations provides guidance on the current process to request funds under the (b) (7)(E) tab on (b) (7)(E) For any questions, SAs can also coordinate with their respective Operations Manager or by emailing Domestic Operations at (b) (7)(E) @ice.dhs.gov.

14.4 CCHT Operations Unit

On a case-by-case basis, the CCHT Operations Unit can fund certain operational expenses for human trafficking investigations. Requests for CCHT Operations Unit funding must be sent through the local HSI office's chain of command to the appropriate Domestic Operations POC before it is routed to the CCHT Operations Unit for review. Prior to drafting a request, it is suggested that SAs or their Group Supervisor contact the CCHT Operations Unit regarding availability of funds at (b) (7)(E) @ice.dhs.gov.

14.5 International Organized Crime Intelligence and Operations Center

The International Organized Crime Intelligence and Operations Center (IOC2) supports member agency field office efforts to significantly disrupt and dismantle transnational criminal organizations posing the greatest threat to the United States, including those named to the Top International Criminal Organization Targets (TICOT) list and/or designated as a Priority Transnational Organized Crime (PTOC) target. IOC2 has funding available for human trafficking investigations if the case meets the requirements. (For additional information and guidance, SAs should contact IOC2.)

14.6 Forced Labor Program

HSI receives an earmark of Forced Child Labor funds that can be used by HSI domestic offices and offices in foreign locations to pay investigative expenses, such as travel expenses of the case agent, victim assistance personnel, and prosecutors; translation/interpretation services; and other types of expenses on cases that fit the definition of "forced child labor" under the International Labour Organization Convention No. 182. This definition is more expansive than the criminal statute of 18 U.S.C. § 1589. The Program Manager determines if the investigation meets the definition. Please note that these funds may not be used for training or to purchase equipment. SAs should email (b) (7)(E) @ice.dh.gov for more information.

14.7 Organized Crime Drug Enforcement Task Force

The Organized Crime Drug Enforcement Task Force (OCDETF) has funding available for human trafficking investigations. (For additional information and guidance, SAs should contact their HSI OCDETF Regional Coordinator.)

Chapter 15. INVESTIGATIVE RESOURCES

When conducting human trafficking investigations, SAs need to understand that there are organizations and entities that can aid in the primary and secondary aspects of their investigations. These groups provide SAs with invaluable forms of intelligence, organization, and victim assistance to what can become very complex cases. The following sections detail some of the primary resources needed to help conduct human trafficking investigations more effectively.

15.1 International Organized Crime Intelligence and Operations Center

(b) (7)(E)

(b) (7)(E) IOC2 can further help conduct case coordination in furtherance of the investigations. When requesting (b) (7)(E) (b) (7)(E) Requests for IOC2 assistance should be submitted through (b) (7)(E)

15.2 Special Operations Division

(b) (7)(E)

ce.dhs.gov.

15.3 Counterterrorism and Criminal Exploitation Unit

The Counterterrorism and Criminal Exploitation Unit (CTCEU) brings special skill sets to human trafficking cases that involve certain visa classes such as F, M, and J visas. The CTCEU Student and Exchange Visitor Information System (SEVIS)'s Exploitation Section may be contacted by SAs any time the trafficking scheme being used involves F, M, or J visas or academic, vocational, and/or flight schools. (b) (7)(E)
(b) (7)(E)

CTCEU can be contacted at (b) (7)(E)@ice.dhs.gov; additional information can be found on (b) (7)(E)

15.4 National Targeting Center – Investigations

The National Targeting Center - Investigations (NTC-I) supports ongoing HSI investigations and provides investigative referrals and intelligence to HSI field offices. NTC-I augments HSI programmatic efforts such as human trafficking by providing significant investigation support, case enhancement, and development capabilities. To request assistance from NTC-I, SAs should fill out the NTC-I Assistance Request form:

(b) (7)(E)

15.5 OPLA Human Rights Violator Law Division

OPLA HRVLD holds specialized legal expertise in human trafficking statutes, investigations, and prosecutions; federal victim assistance; T visas; U visas; and CP. Assistance can include discussing whether a fact pattern could be prosecuted as trafficking, what additional evidence is required to prove trafficking, strategies for working with the local USAO, or liaising with the DOJ HTPU regarding a particular case of interest. SAs may contact HRVLD at (b) (7)(E) @ice.dhs.gov.

15.6 OPLA Homeland Security Investigations Law Division

OPLA HSILD provides specialized legal guidance on criminal customs and trade-related laws and investigations, including those with a nexus to illicit importations and supply chains involving forced labor. SAs may contact HSILD at (b) (7)(E) @ice.dhs.gov.

15.7 Polygraph Examinations

(b) (7)(E)

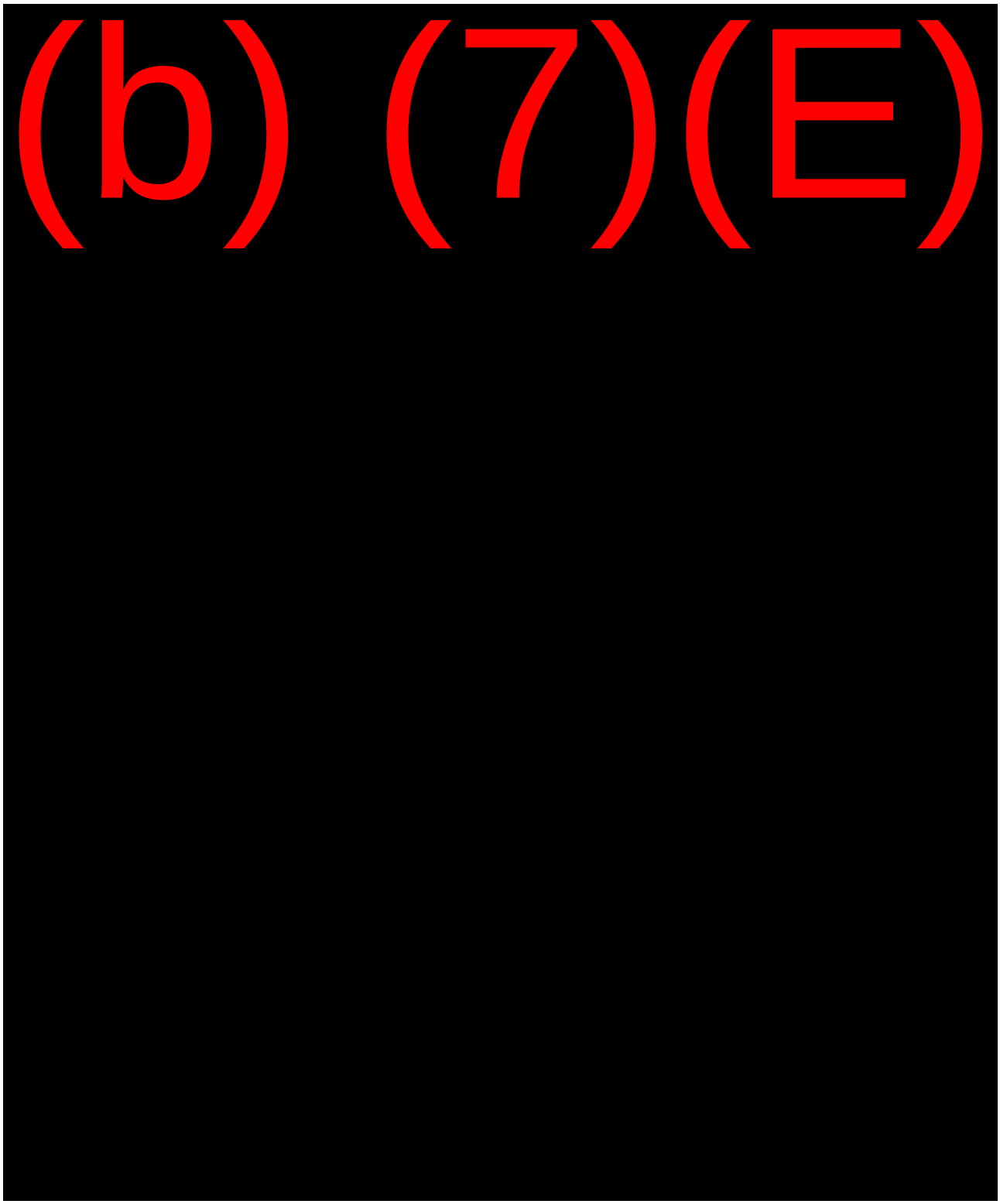
in the Operations Unit under the HSI Forensic Laboratory prior to discussing the Polygraph

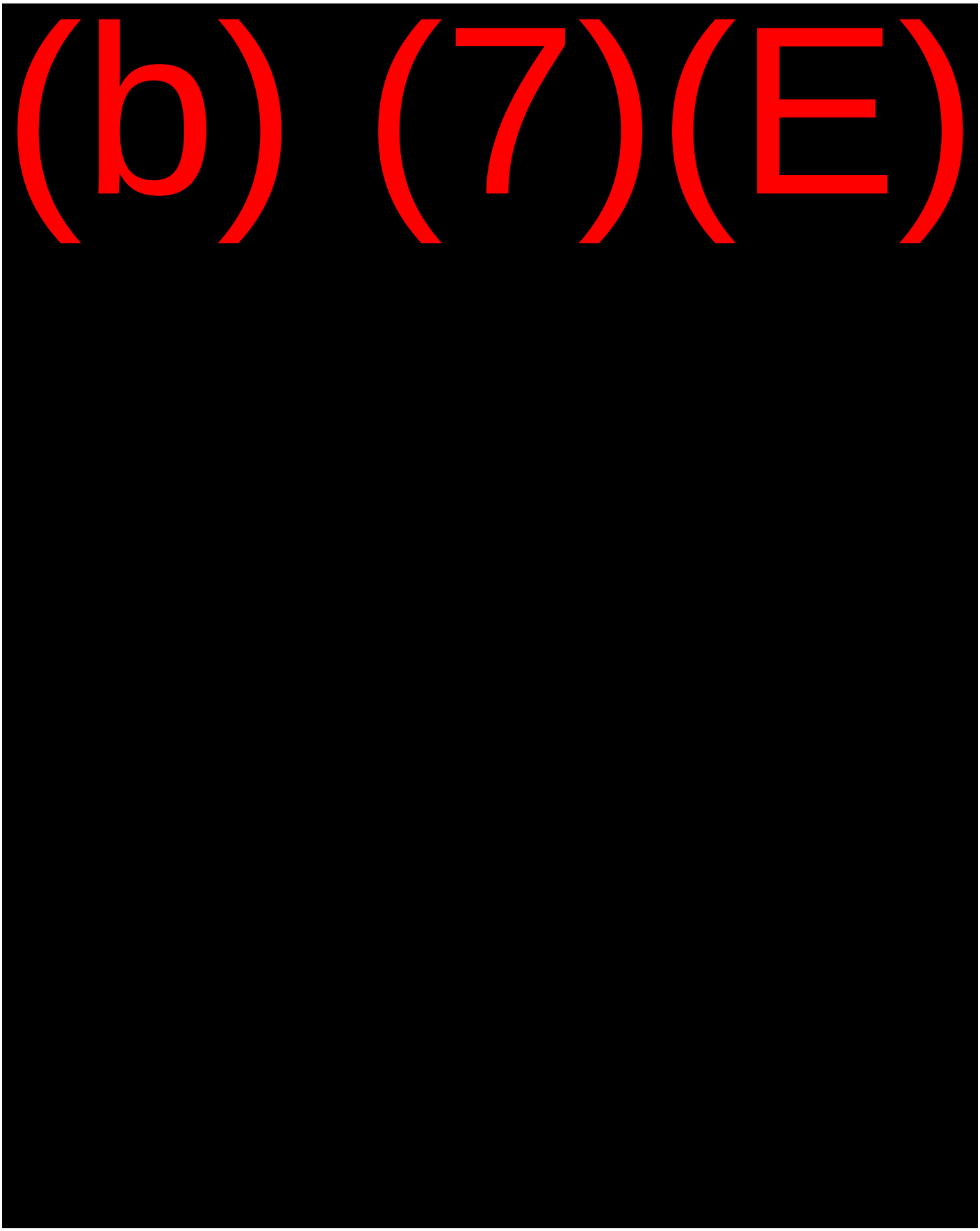
Chapter 16. EMPLOYEE ASSISTANCE

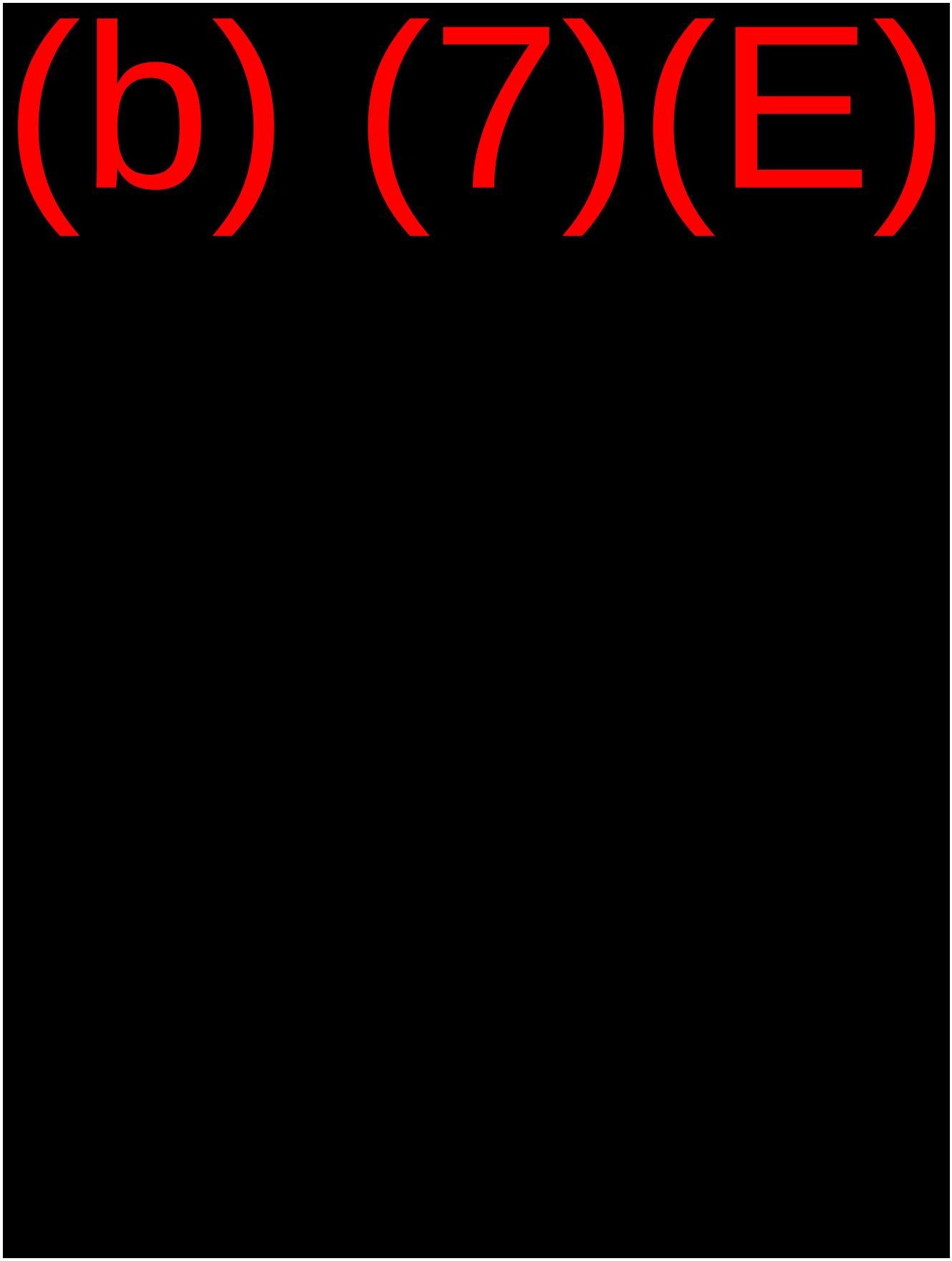
SAs working exploitation-based investigations routinely encounter unique strains and challenges associated with these types of investigations. The CCHT Operations Unit seeks to mitigate risks or potential negative consequences derived from human trafficking investigations and promotes participation in the Employee Assistance Program. Confidential assistance is available 24 hours a day/seven days a week via phone at (b) (7)(E)

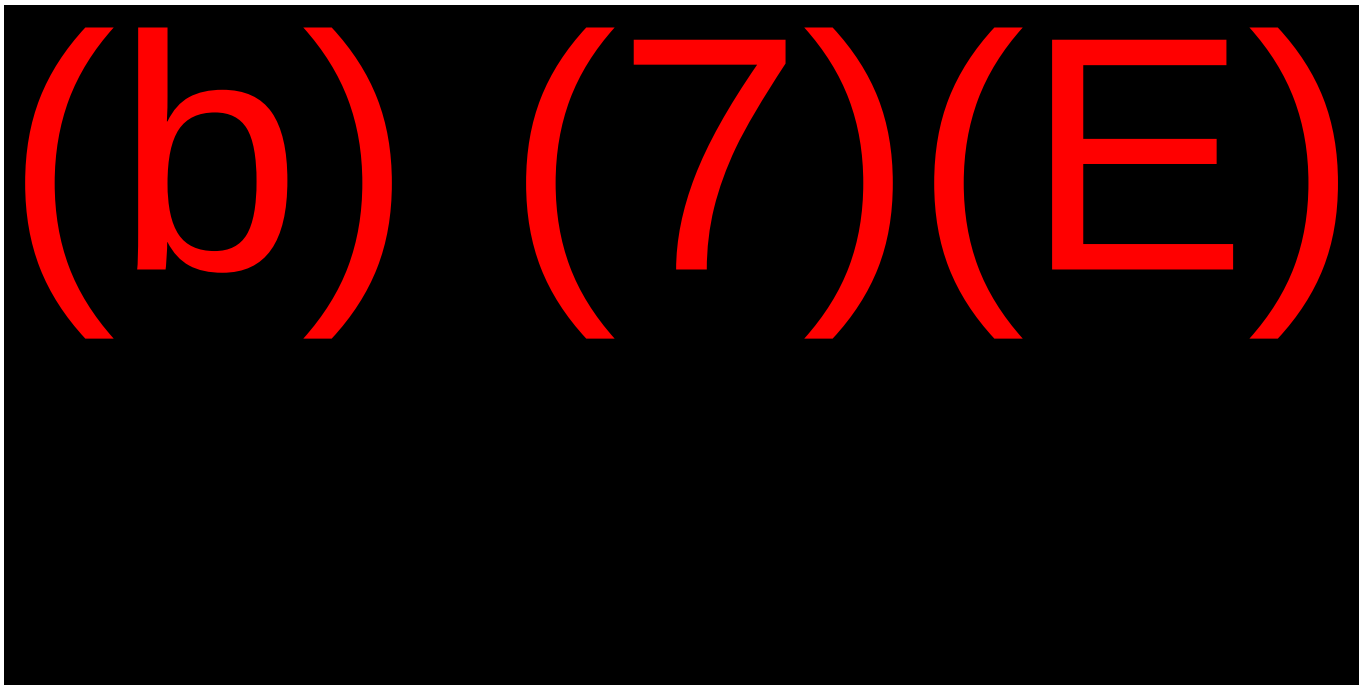
Appendix A

INTERVIEW QUESTIONS TO DETECT INDICATORS OF HUMAN TRAFFICKING




(b) (7)(E)


(b) (7)(E)


(b) (7)(E)

Appendix B

SUPERSEDED DOCUMENTS

The following policy documents are superseded by the Human Trafficking Investigations Handbook:

1) HSI Special Agent Handbook (in part)

   "Human Smuggling and Trafficking Investigations Handbook" (HSI HB 15-04), dated August 21, 2015:

   Chapters 8 and 9; Sections 13.7-9, 15.1-15.7, and 15.9; Appendices D and E; and any other part of the HSI HB 15-04 that discusses or mentions human trafficking.

2) ICE Office of Investigations Memorandum

   "ICE Virtual University Human Trafficking Course," dated August 29, 2005.

3) ICE Homeland Security Investigations Memorandums

   "Human Trafficking Computer Based Training for Special Agents," dated June 19, 2012.

Appendix C

ACRONYMS

ACTeam	Anti-Trafficking Coordination Team
AML	Anti-Money Laundering
AOR	Area of Responsibility
AUSA	Assistant United States Attorney
BJA	Bureau of Justice Assistance
BSA	Bank Secrecy Act
CA	Criminal Analyst
CCHT	Center for Countering Human Trafficking
C.F.R.	Code of Federal Regulations
CFT	Countering the Financing of Terrorism
CIO	Chief Intelligence Officer
CP	Continued Presence
CTCEU	Counterterrorism and Criminal Exploitation Unit
CUC	Certified Undercover
DHS	Department of Homeland Security
DICE	Deconfliction and Information Coordination Endeavor
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
EEOC	Equal Employment Opportunity Commission
EMT	Emergency Medical Technician
ERO	Enforcement and Removal Operations
FBI	Federal Bureau of Investigation
FIS	Forensic Interview Specialist
FLETC	Federal Law Enforcement Training Center
FOUO	For Official Use Only
HB	Handbook
HHS	Department of Health and Human Services
HQ	Headquarters
HRVLD	Human Rights Violators Law Division
HSI	Homeland Security Investigations
HSILD	HSI Law Division
HTPU	Human Trafficking Prosecution Unit
ICE	U.S. Immigration and Customs Enforcement
ICM	Investigative Case Management
III	Interstate Identification Index
IOC2	International Organized Crime and Intelligence Operations Center
LEA	Law Enforcement Agency
LPR	Lawful Permanent Resident
NCMEC	National Center for Missing & Exploited Children
NGO	Nongovernmental Organization

NTA	Notice to Appear
NTC-I	National Targeting Center – Investigations
OCDETF	Organized Crime Drug Enforcement Task Force
OI	Office of Investigations
OPLA	Office of the Principal Legal Advisor
PLEPU	Parole and Law Enforcement Programs Unit
POC	Point of Contact
PTOC	Priority Transnational Organized Crime
RFA	Request for Assistance
RICO	Racketeer Influenced and Corrupt Organization
ROA	Report of Analysis
ROI	Report of Investigation
SA	Special Agent
SAC	Special Agent in Charge
SCR	Significant Case Report
SEVIS	Student and Exchange Visitor Information System
SLOT	State and Local Overtime
SOD	Special Operations Division
SPBP	Significant Public Benefit Parole
S.T.O.P.	Strategic Targeted Outreach Program
SUA	Specified Unlawful Activity
TEOAF	Treasury Executive Office for Asset Forfeiture
TICOT	Top International Criminal Organization Target
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act
UN	United Nations
USAO	U.S. Attorney's Office
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
VAC	Victim Assistance Coordinator
VAP	Victim Assistance Program
VAP/MOU	Victim Assistance Program/Management Oversight Unit
VAS	Victim Assistance Specialist